

**APPLICATION FOR
LAND USE CONSENT**

SE & JK McArthur

**781 OUTRAM-MOSGIEL ROAD,
OUTRAM**

Prepared By

Cubitt Consulting Ltd

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1. Description of Proposal

1.1 *Description of Site*

The property subject to this application is located at 781 Outram-Mosgiel Road, (Valuation Number 27911-02100), approximately 300m east of Taieri River Bridge at Outram. Legally described as Lot 1 DP 7443 (CFR OT3B/175), the property has an area of 2.0234 hectares and has formed access to SH 87, which is a Limited Access Road at this location. The site is listed as having a registered Crossing Place numbered 31.

The property is owned by the McArthur family, who have operated a horticulture business in the area for in excess of 50 years. The current McArthur's operation specialises in the production of raspberries, cauliflowers, lettuces, leeks and potatoes. This particular site contains a raspberry and strawberry plantation that occupies most of the site. A stall has also been operating from this site for the last 40 years retailing the fruit and vegetable produced from the applicant's holdings. The subject site produces in excess of 4.5 tonnes fruit, which is sold through this outlet. The stall replaced a dwelling that was previously on the site.

Resource consent was granted in 2004 (RM2004-0622) to allow the sale of 'real fruit' ice cream and yoghurt from the site. The ice cream uses the berries produced on site and there is no sale of commercial ice cream brands. In excess of 350 ice creams can be sold in a day during the summer season, with the shop now known as the "ice cream shop by the bridge". Over the summer period, up to 5 staff from the local community are employed.

The retail outlet and associated cool store is set back approximately 20m from the road, with the area in front of the stall occupied by a car park with separate entry/exit lanes from SH 87. Two walnut trees stand to the south of the building, the larger one further to the south being protected in the District Plan. Another walnut is located to the north west of the building platform. The existing septic tank sits behind the cool store while there is a scheduled Regional Council drain that runs around the southern toe of the building platform.

While the wider area is generally rural, there are some undersized rural allotments in the area. Directly adjoining the site to the west, 799 Outram-Mosgiel Road is 2.3-hectares in size, while just across the bridge 52 Mountford Street is only 3246m². To the east is 720 Outram-Mosgiel Road at 4047m² and 663 Outram-Mosgiel Road at 3335m².

1.2 *Proposed Activity*

The McArthur's are a well-known horticultural family from the Outram area. Unfortunately, they are now one of only a few fruit and vegetable producers left on the Taieri that still operate at a commercial scale. Given the changing market conditions over the last few years, the sustainability of their business, along with that of the other vegetable producers, is under threat. As a consequence of this, the McArthur's have followed with interest the efforts of the 'Good Food Dunedin Alliance' and the work done in 2015 by Ahika and the Otago Polytechnic around exploring the opportunities for a Local Food Hub. This concept has the objective of promoting a more resilient food economy for Dunedin and Otago generally, by securing the future of local food production.

The philosophy of this approach underpins the McArthur's drive to secure the ongoing sustainability of their berry production and produce retail operation at this site, as a standalone family business. This application is essentially about achieving that outcome.

To do this will require the ability to retail produce not only grown on this site, but also from the local area as well as other parts of Otago. At this stage, it is envisaged that this produce would mainly be sourced from commercial market gardens in the area (for example, Mr Graham Young), along with from the smaller properties in the area that are not economic units but do produce good quality vegetables. Other local produce such as homemade jams (from the applicant's own berries), honey and eggs, would also be retailed when they were available. The aim of this is to support local producers and the use of the high-class soils in the area.

The applicants are also seeking the ability to retail produce not generally available in this area but which is grown within the Otago catchment, such as stone fruit produced in Central Otago.

The proposal will be based on a number of the principles of the Local Food Hub concept. The objective in that sense is to retail of fresh, high quality locally grown food, which is promoted in a way that the customer is provided with the back story of the social, environmental and community values incorporated into the production process. As a consequence, consent is that would enable the existing rural retail outlet to sell food produce produced in the wider Otago region, which is not 'commercially' branded.

In order to ensure the success and viability of what is a time-consuming business, the applicants are seeking the ability to live on the site for efficiency reasons. Hence, consent is also sought to reinstate the dwelling on the property.

Attached are plans prepared by Warnock Architecture Limited that seamlessly attaches a three-bedroom dwelling to the existing retail outlet. The cool store on the western side of the existing structure will be removed to enable this. The current structure has a footprint of 85m² and with the addition of the dwelling, this will increase to 288m². The decks proposed around the dwelling will add an additional 61m² of outdoor amenity space.

The dwelling will be accessed from the existing car park, with a double garage at the car park level. The dwelling will be constructed on poles off the edge of the existing raised platform within the site (to be clear of the drainage channel), with the floor level approximately 600mm higher than the garage at around 12.18m above sea level.

The car park for the retail outlet will largely remain the same, although access to the dwellings garage will be separated from the car park by a fence to ensure there is no confusion.

1.3 *Status of Activities*

The site is zoned **Rural** in the operative Dunedin City District Plan (ODP). The bulk of property is also identified as containing high class soils, although this does not apply to the existing raised north east corner of the site where the existing stall and car park is located.

Residential activity is only permitted in the Rural zone if the site has an area of at least 15 hectares [Rule 6.5.2(iii)] and complies with the bulk and location requirements. The residential use of the existing site is therefore a **non-complying** activity in accordance with Rule 6.5.7(i).

Rural Retail sales from sites with access from a state highway are restricted discretionary activities within the Rural zone. However, where some of the produce is not produced on the site, the activity falls outside the ambit of a Rural Retail Sales Activity and becomes a **non-complying activity**.

The site is zoned **Rural Taieri Plains** in the proposed Dunedin City District Plan (PDP). The minimum site size for a dwelling (without subdivision) in the Taieri Plains zone is 25 hectares. While this rule is currently not operative, this aspect of the proposal would be non-complying under the PDP. As with the ODP, the retail activity falls outside the ambit of Rural Ancillary Retail and is therefore a commercial activity under this plan, which is non-complying.

The same High-Class Soil notation as the ODP also overlays the site. The same area shown as high-class soil also appears to be designated by the Otago Regional Council for the “Lower Taieri Flood Protection Scheme”. This designation does not appear to affect the building site. A small part of the raised part of the site, in the north east corner, has also been identified as being within a Hazard 3 – Flood zone, although the building site is not located within this area.

Overall, the proposal is a **non-complying activity**.

2. Assessment of Environmental Effects

2.1 Introduction

Being a non-complying activity, Council is not restricted in terms of the matters it can consider. However, the Rural zone of the operative District Plan contains a range of assessment criteria in respect to resource consent applications. Having regard to those matters and after considering all potential effects of the activity, the following are the main issues that would normally need to be addressed and assessed:

- High class soils and productive potential of rural land
- Amenity values and character of the area
- Intensity of Activity
- Transportation
- Conflict and Reverse sensitivity
- Provision for water supply and disposal of stormwater and sewage
- Hazards and HAIL

With respect to the proposed District Plan, the assessment matters included within the provisions are effectively repeating what policies one must consider in assessing an application. This is unnecessary as an assessment of the objectives and policies is required regardless of what the District Plan may direct on this matter. However, for completeness, we have included them here.

Rule 16.12.2.1 contains the following are assessment matters for all non-complying activities under the proposed district plan.

Relevant objectives and policies (priority considerations):

a. Objectives 16.2.1, 16.2.2, 16.2.3, 16.2.4

b. The activity does not detract from, or preferably contributes to, the strategic direction objectives, including, but not limited to, those related to:

i. Objective 2.2.2, 2.2.3, 2.2.4, and 2.3.1

General assessment guidance:

c. In assessing the significance of effects, consideration will be given to:

i. short to long term effects, including effects in combination with other activities; and

ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent; and

iii. Manawhenua values and the relationship between manawhenua and the natural environment is maintained, including cultural values and traditions associated with:

1. wāhi tūpuna; and

2. the customary use of mahika kai (Objective 14.2.1).

*iv. If located outside a **wāhi tūpuna mapped area**, Kai Tahu may advise the Council if it considers that the granting of the consent would affect the integrity of the broader environment within which the wāhi tūpuna is located, or the linkages between wāhi tūpuna.*

d. In assessing activities that are noncomplying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.

In relation to commercial activities, Rule 16.12.3 Assessment of Non-complying performance standard contravention provides as follows:

Relevant objectives and policies (priority considerations):

a. Objective 2.3.2

b. Objective 16.2.1

c. Commercial activities, industrial activities and major facilities are avoided, unless otherwise provided for, in the rural zones (Policy 16.2.1.8).

....

Condensing all these provisions down, and having regard to the operative District Plan provisions, we are of the opinion that the key effects that need to be considered are as follows:

- High class soils and productive potential of rural land
- Amenity values and character of the area
- Intensity of Activity and transportation effects
- Conflict and Reverse sensitivity
- Hazards, HAIL and Earthworks

2.2 *High Class Soil and Productive Potential of Rural Land (Assessment matter 6.7.15)*

The bulk of the site is identified as containing high class soils and is currently used for berry production. The existing retail outlet and the proposed dwelling site sit outside the area identified as high-class soils. Hence, the proposal will have no direct physical effects on the high-class soil resource or the productivity of the land in general.

However, as will be evident from Section 1.2 above, the purpose of the proposal is in fact to secure the long-term productive use of not only this site but also other existing productive sites in the area that do not have particularly secure access to markets. The ability to retail other produce from the area will assist in ensuring the viability of other producers (not just on economic units) and increase awareness of fresh, local food sources. This in turn will assist in retaining land, particularly high-class soil, in productive use, even on smaller lifestyle blocks.

To ensure the success of this operation, it is important that the manager of such a business (in this case the applicant) live on the site for efficiency purposes. The receiving, displaying and construction of the story behind the produce to be sold is likely to be a time-consuming business, that will occur at different times of the day. It is not feasible to live off site and manage this process efficiently.

Overall, the proposal will have a positive effect on the rural productivity and the ability to utilise high class soil resources through-out the Taieri.

2.3 *Rural Amenity Values*

The District Plan states that Dunedin's rural area *"has a generally low incidence of residential and other activities and is characterised by a low density of development, the size of buildings small and local roads having low traffic numbers. The character of the rural area is greatly influenced by the predominance of natural features and the productive use of the land."* The plan seeks to preserve the amenity values associated with this environment.

This proposal has been designed to ensure the rural productivity of the land is maintained and hence the building will attach to the existing built development on the site. This will ensure that built development is concentrated in one area, with the balance of the site maintaining an open, rural character. While the site maybe at a size more akin to a rural-residential property, the purpose of the proposal is actually to ensure that the land is maintained in a productive rural use.

The key in a rural amenity assessment is generally the impact the density of the proposal will have on the receiving environment. The character of the existing environment becomes the key factor in such an assessment. As we noted above, the site has previously contained a dwelling and already contains a level of built development. Significantly, the site is of similar size to the neighbouring property at 799 Outram-Mosgiel Road, which comprises 2.3-hectares. In that context, the proposal is not unusual in this location and will not look out of place.

In terms of the impact on neighbouring properties, the proposed dwelling encroaches slightly into the eastern 40m set back but attaches to the existing structure. Hence, there will be no impact on the amenity of the adjoining site due to this encroachment. The building is well set back from the western boundary.

As a consequence, there will be no impact on the amenity values of adjoining properties.

The dwelling does, however, encroach into the 20m front yard setback. The dwelling will be 12.3m from the road reserve boundary although the carriageway is approximately another 8m away from this boundary. However, it will be seen in the context of the existing building so any visual amenity effects are considered minimal.

In conclusion, the addition of a dwelling into this environment will not have any impact on the rural amenity values. Overall, any adverse effects of the proposal on rural amenity values is considered to be less than minor.

2.4 *Intensity of Activity and Transportation Effects*

As we noted above, a stall has been operating from this site for around the last 40 years so it is an established part of the existing environment. Its operation has always been seasonal and no opportunity has been made available for people to consume the ice-cream product on site. This proposal will not change that.

During the busy summer months (usually December to January), the stall is open 8.30am to 5.30pm, 7-days a week. These hours have traditionally reduced slightly during the February to April window but that may not occur under this proposal with a wider range of product on offer. Hence, the traditional opening hours are to be retained for the months the stall will be open.

Increasing the produce options available for purchase at the site is likely to have some impact on the numbers visiting the stall, although it could be that existing customers just purchase more goods rather than make additional trips. Currently, the real fruit ice cream business generates the most vehicle trips to the site. Sales of fresh fruit and vegetables generally accompanies the sale of ice cream.

An increase in visitor number is obviously in the best interests of the business's viability (and that of its suppliers) but the applicant is unsure at this stage what that level of increase may be. However, they are comfortable that the existing access and parking layout will cope with at least a double the numbers currently visiting the site, given their experience over the last few years.

The existing access has been constructed to the appropriate standard with separate ingress and egress points. As the site plan illustrates, there is good sight line visibility both directions. The New Zealand Transport Agency were not concerned with the previous level of activity on the site but will be consulted on the current proposal and Council will be advised of the outcome of this in due course.

While it is not anticipated as being needed, during the busy summer months there is scope to provide additional parking down behind the existing stall building. The addition of a dwelling to the mix will not affect the current parking spaces available as a double garage has been incorporated into the dwelling design. Enabling the owners to live on the site will in fact reduce the numbers of vehicle movements to the site.

The current activity on the site is self-serviced for water supply and waste disposal. The increase in activity on the site may see the need for this infrastructure to be upgraded but we do not envisage there will be any greater effect on the environment as a result.

Overall, we do not envisage the addition of a manager residence and the increase in produce available at the site, will create any increase in the intensity of the activity that will be noticeable to the general public.

2.5 *Conflict and Reverse Sensitivity Issues*

This is unlikely to be an issue in this particular location. The produce outlet is an established part of the environment. The dwelling will form part of an established rural activity and has the purpose of ensuring that the property remains productive, rather than turning the property into a rural lifestyle property.

2.6 *Hazards, HAIL and Earthworks*

As noted above, the proposed District Plan identifies part of the area as a Hazard 3-Flood zone (low risk) while the ORC has designated the low-lying areas for its “Lower Taieri Flood Protection Scheme”. However, the building site is clear of these notations, with the dwelling to be constructed on poles to avoid any ponding areas designated by the flood protection scheme.

The Otago Regional Council will be consulted on the proposal and Council will be advised of the outcome of this in due course.

With respect to the HAIL regulations, as a horticulture site, the wider property will be classified as a HAIL site. In this context, earthworks are limited to 5m³ per 500² under the NES. The ODP restricts earthworks to a 2m change in ground level and a volume 200m³. At this stage we consider the proposal will likely comply with these thresholds given the house will be on poles. However, if that proves not to be the case, a land use for earthworks can be obtained at the time of construction, when there is more certainty around the issue.

2.7 *Conclusion*

The above assessment leads us to conclude that the overall adverse effects of the activity will be no more than minor. As a consequence, the proposal meets the effects limb of the S104D test.

3. District Plan Policy Framework

The key sections of the District Plan are Sustainability, Rural Zone, and Hazards. Each of these sections is considered below.

3.1 *Sustainability*

The proposal is not considered inconsistent with the policy framework of the Sustainability section of the plan. These provisions seek to ensure that infrastructure is sufficient to cater for the activity without compromising the demands of future generations. They also encourage the protection of the natural and physical resources and the maintenance or enhancement of amenity values. Policy 4.3 8 seeks to avoid the mixing of incompatible activities.

The purpose of the proposal is to ensure the property remains a productive rural activity, despite its small size. There is also the wider purpose of assisting with the sustainable use of the high-class land resource in the area. The dwelling is not seen as incompatible with this purpose, but as an essential part of the management of the property to achieve this purpose.

Policy 4.3.7 promotes the use of zoning to provide for uses and developments which are compatible in identified areas. This is a process policy given effect to by the zones created within the Plan. The explanation states that “*People and communities within Dunedin City seek a high degree of certainty as to the amenity within different parts of the City. This necessitates the adoption of zoning as a technique to provide such certainty and to ensure that the adverse effects of incompatible activities are avoided, remedied or mitigated.*”

In this context, it is appropriate to consider the effect on the Activity zones under this policy. While we note that Council cannot have regard to the trade competition or the effects of trade competition, we do not expect this operation to have any negative impact on the commercial centre of Mosgiel. The convenience and range of product offered in the established Mosgiel commercial area will ensure it is not affected by a very small operation (comprising a net retail area of approximately 80m²) such as this. People will continue to shop in the Mosgiel commercial centre for their grocery needs because they simply will not be able to purchase everything they require here. Hence, we do not believe this proposal will have any detrimental effect on the existing Mosgiel commercial zone.

3.2 *Rural zones*

The relevant objectives and policies of the Rural Zones section chiefly seek to protect the productive potential of the zone, public infrastructure, and rural character and amenity values.

The proposal will not physically affect the productive values and high-class soil of the site but will ensure those resources and values are maintained into the future. As noted above, the expanded produce outlet will also assist with this on a wider scale within the district. The addition of a dwelling to the site is not inconsistent with the surrounding development and any adverse effects on the amenity values of the surrounding area will be minor. There will be little conflict with the other activities in this location.

In summary, we consider the proposal consistent with all relevant objectives and policies of the Rural Zones.

3.3 *Hazards*

The Hazards policy suite merely requires the effects of hazards to be avoided, remedied or mitigated (Objective 17.2.1) while development affected by flooding is to be “controlled” (Policy 17.3.3). This policy suite is given effect to by the location of the building site and the dwelling being constructed on poles.

3.6 *Conclusion – Objectives and Policies*

Having considered the relevant objectives and policies of the District Plan, it is concluded that the proposal is not inconsistent with the policy framework.

4. **Proposed District Plan**

The proposed District Plan was notified on the 26th September 2015 and submissions closed on the 24th of November 2015. Decisions are to be released soon. There are numerous submissions on the provisions of the proposed District Plan. Hence limited weight can be given to the provisions of that plan. However, some regard must be given to the policy framework of the proposed plan.

The proposed District Plan zones the site 'Rural Taieri Plains'. There are a number of objectives and policies relevant to the proposal.

Objective 16.2.1 is to reserve the rural zones "*for productive rural activities and the protection and enhancement of the natural environment along with certain activities that support the wellbeing of rural communities where these activities are most appropriately located in a rural rather than an urban environment. Residential activity in rural zones is limited to that which directly supports farming or which is associated with papakāika.*" The dwelling proposed for this site is needed to support the productive activity on the site and the ancillary rural retail outlet. Policy 16.2.1.7 requires residential activity to be "*avoided in the rural zones on a site that does not comply with the density standards for the zone, unless it is the result of a surplus dwelling subdivision.*" While the proposal is not consistent with this policy (due to the density standard not being met), the proposed dwelling is essentially reinstating a previous dwelling on what is an existing site i.e. no fragmentation is occurring.

Policy 16.2.4.4 is to "*avoid residential activity in the rural zones at a density that may, over time and cumulatively, reduce rural productivity by displacing rural activities.*" While the proposal does not meet the density standard of the plan, the site is an existing productive rural site and the dwelling will ensure the ongoing sustainability of the existing rural activity on the site.

Policy 16.2.1.8 is to avoid, commercial activities, unless otherwise provided for, in the rural zones while Policy 16.2.1.3 is to "*require rural ancillary retail, rural tourism and working from home, to be at a scale that:*

- a. is ancillary to and supportive of productive rural activities or conservation activity on the same property; and*
- b. supports Objectives 2.3.2 and 2.4.3 and their policies."*

While the proposal does not strictly meet the definition of rural ancillary retail, a significant portion of the product retailed from the site will continue to be from the subject property. Furthermore, the majority of the products, if not all products, to be sold through the produce outlet could be produced and processed on site and then retailed through a rural retail sales outlet.

However, the survival of not only this site but others in the area is under threat from a centralised food industry. To survive, producer need to find additional market options. This proposal will continue to support productive rural activities in the area, without compromising the sustainability of town centres in the area.

While there is some inconsistency with the PDP, and in some cases the proposal may be contrary to individual provisions, in our opinion, the proposal achieves the policy outcomes sought by the proposed District Plan.

5. Section 104D of the Act and the notion of 'True Exception'

Given the proposal's non-complying status, consideration must be given to the provisions of section 104D of the Resource Management Act. That section requires an application for a non-complying activity to pass one of two thresholds in order to be considered for approval, namely the environmental effects must be no more than minor or the proposal must not be contrary to the objectives and policies of the District Plans. Our assessment above indicates that the proposal in fact passes

through both gateways and Council can therefore consider granting consent to the application accordingly.

Given that the activity passes both limbs of the section 104D test, the only other issue that needs to be considered is the question of plan integrity and precedent. The Dunedin City Council tends to apply the 'true exception' test promulgated in the Russell decision in this regard. It should be noted that there are few, if any, other Environment Court divisions outside that of Judge Smith's Court that apply this test. In our view the Council should apply the actual authorities on this issue and not just solely the Russell test. The authority on precedent effects is Dye v Auckland Regional Council, CA86/01, which notes that the granting of a resource consent has no precedent effect in the strict sense. It is obviously necessary to have consistency in the application of legal principles and all resource consent applications must be decided in accordance with a correct understanding of those principles. In factual terms however, no two applications are ever likely to be the same, albeit one may be similar to the other. The most that can be said is that the granting of consent may well have an influence on how other applications should be dealt with. The extent of that influence will depend on the extent of the similarities.

More recently, the Courts have been quite critical of arguments based around plan integrity. As noted the EC in *Wilson v Whangarei DC W20/07*, arguments about plan integrity are "overused and it can rarely withstand scrutiny when measured against the provisions of the RMA." [Paragraph 43]. The Court of Appeal stated in the *Auckland RC v Living Earth (2008)* decision that having specific and explicit regard to the integrity of the Plan is not required as a matter of law. The 2009 EC decision *Protect Piha Heritage Soc Inc v Auckland RC A015/09* noted that the RMA makes no reference to the integrity of planning instruments, precedent or to the coherence of and public confidence in the District Plan. While these are useful concepts that may be applied in appropriate cases, the Court stated that the need to apply them is less necessary where the plan provisions are effects based and the proposal does not generate adverse effects which are more than minor. The EC in *Berry v Gisborne DC W20/07* made it quite clear from that there will be very few cases where "plan integrity will be imperilled to the point of dictating that the instant application should be declined".

In our view, this site is already an exception in the rural area. It is an existing undersized allotment at 2has, that previously contained a dwelling and now contains a commercial activity, albeit one that has a rural retail focus. The purpose of the proposed activity is to maintain and enhance the productivity of the existing site, while also offering the opportunity for other small productive land holdings to secure their future through a direct market outlet.

The integrity of the District Plan will not be undermined by approval to this proposal.

6. Affected Persons and Notification

We anticipate that Council will notify this application. However, the application will be sent to the New Zealand Transport Agency and the Otago Regional Council for comment. The outcome of this consultation will be sent on to Council once received.

7. Conclusion

We are confident that any adverse effects arising from this proposal will be minor or less. Overall, the effects on rural productivity are considered to be positive. We are of the view that the proposal promotes the purpose of the Act, being the sustainable management of the natural and physical resources.

Application Form for a Resource Consent

50 The Octagon, PO Box 5045, Moray Place
Dunedin 9058, New Zealand
Ph 03 477 4000 | www.dunedin.govt.nz

PLEASE FILL IN ALL THE FIELDS

Application details

I/We _____ (must be the FULL name(s) of an individual or an entity registered with the New Zealand Companies Office. Family Trust names and unofficial trading names are not acceptable: in those situations, use the trustee(s) and director(s) names instead) hereby apply for:

Land Use Consent Subdivision Consent

I opt out/do not opt out (delete one) of the fast-track consent process (only applies to controlled activities under the district plan, where an electronic address for service is provided)

Brief description of the proposed activity: _____

Have you applied for a Building Consent? Yes, Building Consent Number ABA _____ No

Site location/description

I am/We are the: owner occupier lessee prospective purchaser of the site (tick one)

Street Address of Site: _____

Legal Description: _____

Certificate of Title: _____

Contact details

Name: _____ (applicant/agent (delete one))

Address: _____ Postcode: _____

Phone (daytime): _____ Email: _____

Chosen contact method (this will be the first point of contact for all communications for this application)

I wish the following to be used as the address for service: email post other _____ (tick one)

Address for invoices or refunds (if different from above)

Name: _____

Address: _____

Bank details for refunds

Bank Account Name: _____

Account Number:

--	--

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Bank Branch Account Number Suffix

Ownership of the site

Who is the current owner of the site? _____

If the applicant is not the site owner, please provide the site owner's contact details:

Address: _____ Postcode: _____

Phone (daytime): _____ Email: _____

Occupation of the site

Please list the full name and address of each occupier of the site: _____

Monitoring of your Resource Consent

To assist with setting a date for monitoring, please estimate the date of completion of the work for which Resource Consent is required. Your Resource Consent may be monitored for compliance with any conditions at the completion of the work. (If you do not specify an estimated time for completion, your Resource Consent, if granted, may be monitored three years from the decision date).

_____ (month and year)

Monitoring is an additional cost over and above consent processing. You may be charged at the time of the consent being issued or at the time monitoring occurs. Please refer to City Planning’s Schedule of Fees for the current monitoring fee.

Detailed description of proposed activity

Please describe the proposed activity for the site, giving as much detail as possible. Where relevant, discuss the bulk and location of buildings, parking provision, traffic movements, manoeuvring, noise generation, signage, hours of operation, number of people on-site, number of visitors etc. Please provide proposed site plans and elevations.

Description of site and existing activity

Please describe the existing site, its size, location, orientation and slope. Describe the current usage and type of activity being carried out on the site. Where relevant, discuss the bulk and location of buildings, parking provision, traffic movements, manoeuvring, noise generation, signage, hours of operation, number of people on-site, number of visitors etc. Please also provide plans of the existing site and buildings. Photographs may help.

_____ (Attach separate sheets if necessary)

District plan zoning

What is the District Plan zoning of the site? _____

Are there any overlaying District Plan requirements that apply to the site e.g. in a Landscape Management Area, in a Townscape or Heritage Precinct, Scheduled Buildings on-site etc? If unsure, please check with City Planning staff.

Breaches of district plan rules

Please detail the rules that will be breached by the proposed activity on the site (if any). Also detail the degree of those breaches. In most circumstances, the only rules you need to consider are the rules from the zone in which your proposal is located. However, you need to remember to consider not just the Zone rules but also the Special Provisions rules that apply to the activity. If unsure, please check with City Planning staff or the Council website.

Affected persons’ approvals

I/We have obtained the written approval of the following people/organisations and they have signed the plans of the proposal:

Name: _____

Address: _____

Name: _____

Address: _____

Please note: You must submit the completed written approval form(s), and any plans signed by affected persons, with this application, unless it is a fully notified application in which case affected persons’ approvals need not be provided with the application. If a written approval is required, but not obtained from an affected person, it is likely that the application will be fully notified or limited notified.

Assessment of Effects on Environment (AEE)

In this section you need to consider what effects your proposal will have on the environment. You should discuss all actual and potential effects on the environment arising from this proposal. The amount of detail provided must reflect the nature and scale of the development and its likely effect. i.e. small effect equals small assessment.

You can refer to the Council’s relevant checklist and brochure on preparing this assessment. If needed there is the Ministry for the Environment’s publication “A Guide to Preparing a Basic Assessment of Environmental Effects” available on www.mfe.govt.nz. Schedule 4 of the Resource Management Act 1991(RMA) provides some guidance as to what to include.

(Attach separate sheets if necessary)

The following additional Resource Consents from the Otago Regional Council are required and have/have not (delete one) been applied for:

Water Permit Discharge Permit Coastal Permit Land Use Consent for certain uses of lake beds and rivers Not applicable

Declaration

I certify that, to the best of my knowledge and belief, the information given in this application is true and correct.

I accept that I have a legal obligation to comply with any conditions imposed on the Resource Consent should this application be approved.

Subject to my/our rights under section 357B and 358 of the RMA to object to any costs, I agree to pay all the fees and charges levied by the Dunedin City Council for processing this application, including a further account if the cost of processing the application exceeds the deposit paid.

Signature of Applicant/Agent (delete one): _____ Date: _____

Privacy – Local Government Official Information and Meetings Act 1987

You should be aware that this document becomes a public record once submitted. Under the above Act, anyone can request to see copies of applications lodged with the Council. The Council is obliged to make available the information requested unless there are grounds under the above Act that justify withholding it. While you may request that it be withheld, the Council will make a decision following consultation with you. If the Council decides to withhold an application, or part of it, that decision can be reviewed by the Office of the Ombudsmen.

Please advise if you consider it necessary to withhold your application, or parts of it, from any persons (including the media) to (tick those that apply):

- Avoid unreasonably prejudicing your commercial position
- Protect information you have supplied to Council in confidence
- Avoid serious offence to tikanga Maori or disclosing location of waahi tapu

What happens when further information is required?

If an application is not in the required form, or does not include adequate information, the Council may reject the application, pursuant to section 88 of the RMA. In addition (section 92 RMA) the Council can request further information from an applicant at any stage through the process where it may help to a better understanding of the nature of the activity, the effects it may have on the environment, or the ways in which adverse effects may be mitigated. The more complete the information provided with the application, the less costly and more quickly a decision will be reached.

Fees

Council recovers all actual and reasonable costs of processing your application. Most applications require a deposit and costs above this deposit will be recovered. A current fees schedule is available on www.dunedin.govt.nz or from Planning staff. Planning staff also have information on the actual cost of applications that have been processed. This can also be viewed on the Council website.

Development contributions

Your application may also be required to pay development contributions under the Council's Development Contributions Policy. For more information please ring 477 4000 and ask to speak to the Development Contributions Officer, or email development.contributions@dcc.govt.nz.

Further assistance

Please discuss your proposal with us if you require any further help with preparing your application. The Council does provide pre-application meetings without charge to assist in understanding the issues associated with your proposal and completing your application. This service is there to help you.

Please note that we are able to provide you with planning information but we cannot prepare the application for you. You may need to discuss your application with an independent planning consultant if you need further planning advice.

City Planning Staff can be contacted as follows:

- In Writing: Dunedin City Council, PO Box 5045, Moray Place, Dunedin 9058
- In Person: Customer Services Centre, Ground Floor, Civic Centre, 50 The Octagon
- By Phone: (03) 477 4000, Fax: (03) 474 3451
- By Email: planning@dcc.govt.nz

There is also information on our website at www.dunedin.govt.nz.

Information requirements (two copies required)

- Completed and Signed Application Form
- Description of Activity and Assessment of Effects
- Site Plan, Floor Plan and Elevations (where relevant)
- Certificate of Title (less than 3 months old) including any relevant restrictions (such as consent notices, covenants, encumbrances, building line restrictions)
- Written Approvals
- Forms and plans and any other relevant documentation signed and dated by Affected Persons
- Application Fee (cash, cheque or EFTPOS only; no Credit Cards accepted)
- Bank account details for refunds

In addition, subdivision applications also need the following information

- Number of existing lots. Number of proposed lots.
- Total area of subdivision. The position of all new boundaries.

In order to ensure your application is not rejected or delayed through requests for further information, please make sure you have included all of the necessary information. A full list of the information required for resource consent applications is in the Information Requirements Section of the District Plan.

OFFICE USE ONLY

Has the application been completed appropriately (including necessary information and adequate assessment of effects)?

- Yes No

Application: Received Rejected

Received by: Counter Post Courier Other: _____

Comments: _____

(Include reasons for rejection and/or notes to handling officer)

Planning Officer: _____ Date: _____

PROVISIONAL ONLY
DETAIL, AREAS & DIMENSIONS
SUBJECT TO RESOURCE
CONSENT & FINAL SURVEY



Lot 1 DP 7443
CT: OT3B/175
SE & JK McArthur

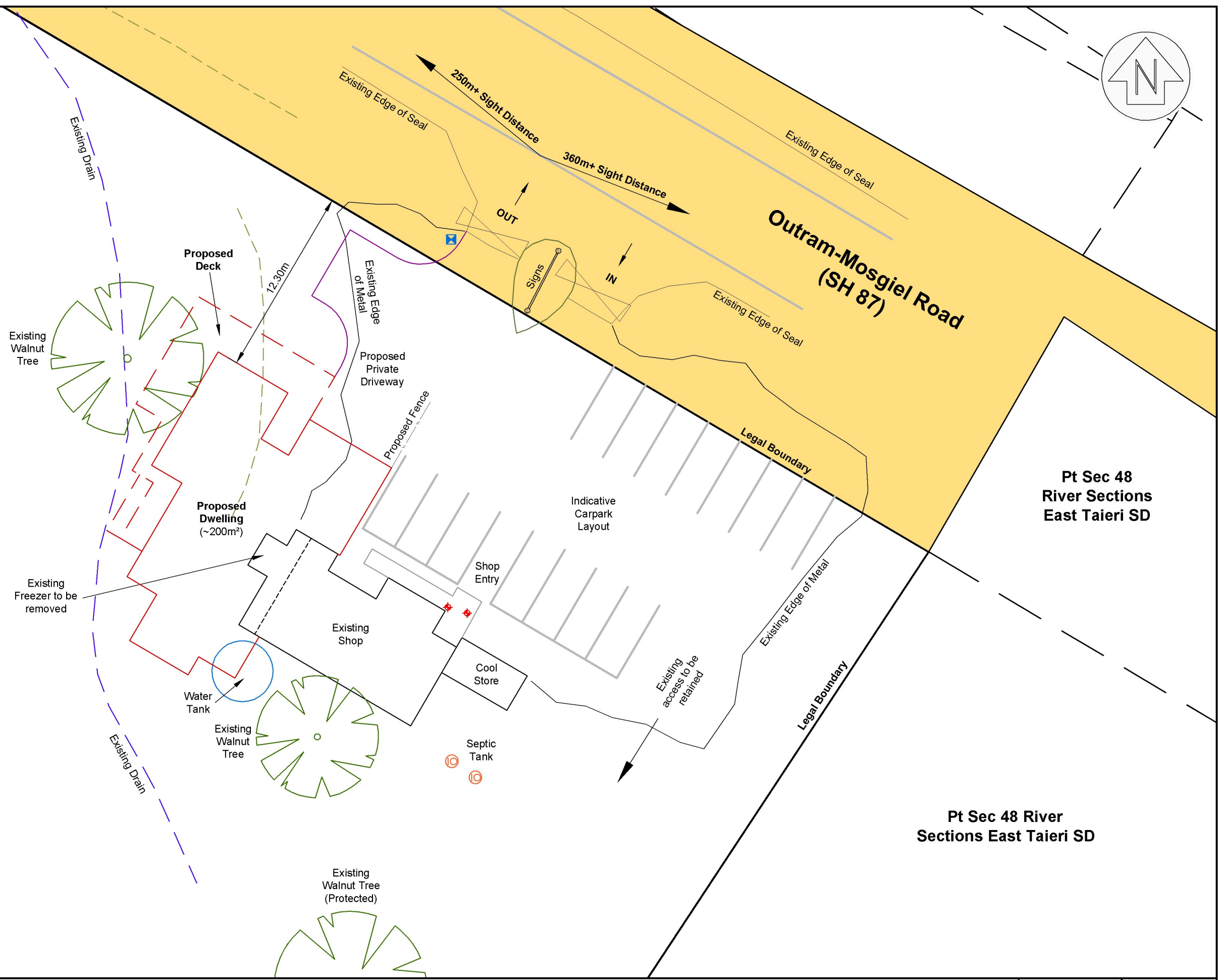
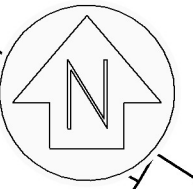


Site Overview - Sheet 1

781 Outram-Mosgiel Road - Outram

Scale:	Job No:
1:3000 @ A3	M1401
Date:	Plan No:
October 2018	M1401/2

PROVISIONAL ONLY
 DETAIL, AREAS & DIMENSIONS
 SUBJECT TO RESOURCE
 CONSENT & FINAL SURVEY



Lot 1 DP 7443
 CT: OT3B/175
 SE & JK McArthur

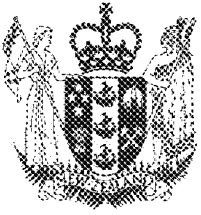
**Pt Sec 48
 River Sections
 East Taieri SD**

**Pt Sec 48 River
 Sections East Taieri SD**




Proposed Site Plan - Sheet 2
781 Outram-Mosgiel Road - Outram

Scale:	Job No:
1:250 @ A3	M1401
Date:	Plan No:
October 2018	M1401/2



**COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952**




R. W. Muir
Registrar-General
of Land

Search Copy

Identifier **OT3B/175**
Land Registration District **Otago**
Date Issued 22 November 1967

Prior References

OT207/153 OT264/56

Estate Fee Simple
Area 2.0234 hectares more or less
Legal Description Lot 1 Deposited Plan 7443

Proprietors

Steven Edward McArthur and Judith Kaye McArthur

Interests

501770 Gazette Notice declaring State Highway 87 (Mosgiel-Kyeburn) fronting the within land to be a limited access road - 17.8.1978 at 1.39 pm

10100907.3 Mortgage to ANZ Bank New Zealand Limited - 25.6.2015 at 10:46 am

LAND TRANSFER ACT, 1915 L & S N 31

Land Transfer Office
 Received..... 4.3.57 74443
 Title Ref..... 101/143 24/52 170
 Referred to Draughtsman, G. S. S. S. S.

Deposited this 15th day
 of May 1957
 District Land Registrar.

5a.0r.00p.

Scheme Plan Waived

Approved as to Survey
 Chief Surveyor
 L.T. Draughtsman

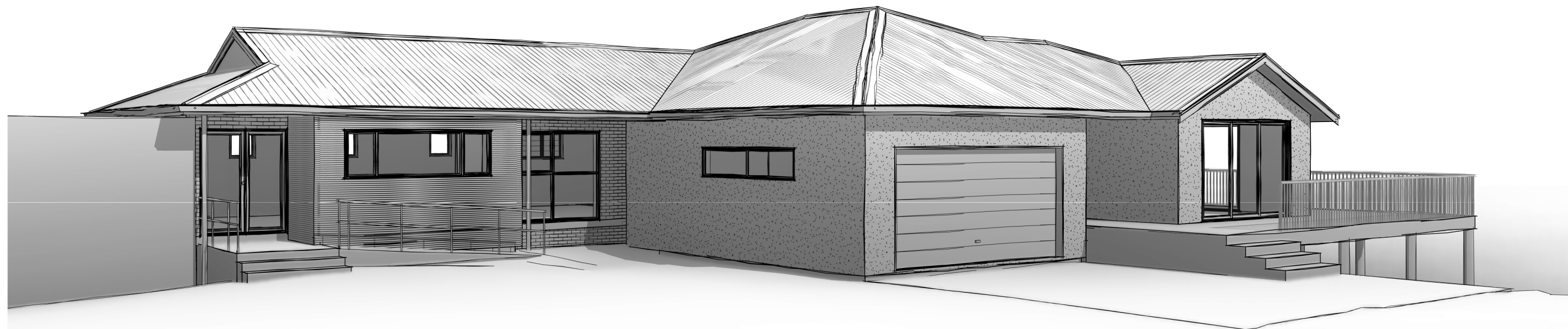
Parts of River Section 49 & Sec. 1239 R.
 Comprised in C.S.T. 207/153 & 264/56 Ltd.
 SURVEY DIST. & BLK. EAST TAIERI DISTRICT
 LAND DIST. Otago LOCAL BODY Taieri County
 Scale: 150 links to an inch Surveyed by J.E.K. Lambourne Date: June 1951

Approved,
 J. R. Brunzell
 Applicant (or Registered Owner)

I, James Ernest Peter Lambourne, of Dunedin, Registered Surveyor and a holder of an annual practising certificate, do solemnly and sincerely declare that this plan has been made from surveys executed by me, that both plan and survey are correct, and have been made in accordance with the regulations under the Surveyors Act, 1938.
 And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Justices of the Peace Act, 1927.
 Declared at Dunedin, this 15th day of August, 1957,
 before me -
 J. R. Brunzell
 Justice of the Peace for Collector, or Notary Public.

Revision Schedule		
Ref.	Date	Description
A	01/10/18	Sketch Design

200 mm
100
50
0



3D View 1

JOB TITLE	
Proposed Alterations for S&J McArthur 781 Outram-Mosgiel Road Taieri	

SHEET TITLE	
3D Views	

TRADE	DESIGNED	CHECKED
Architectural	RJW	RJW

DATE	SCALE	JOB No.	SHEET No.
OCT 2018		1879	A0.0
DRAWN	CAD REFERENCE	REVISION	
TW	1879	A	

Sketch Design

The Contractor shall verify all dimensions on site before commencing construction. Do not scale off drawings. Documents are for obtaining building consent and construction not suitable for fixed price contracts or quotes

Revision Schedule		
Ref.	Date	Description
A	01/10/18	Sketch Design

200 mm
100
50
0



3D View 2

JOB TITLE	
Proposed Alterations for S&J McArthur 781 Outram-Mosgiel Road Taieri	

SHEET TITLE	
3D Views	

TRADE	DESIGNED	CHECKED
Architectural	RJW	RJW

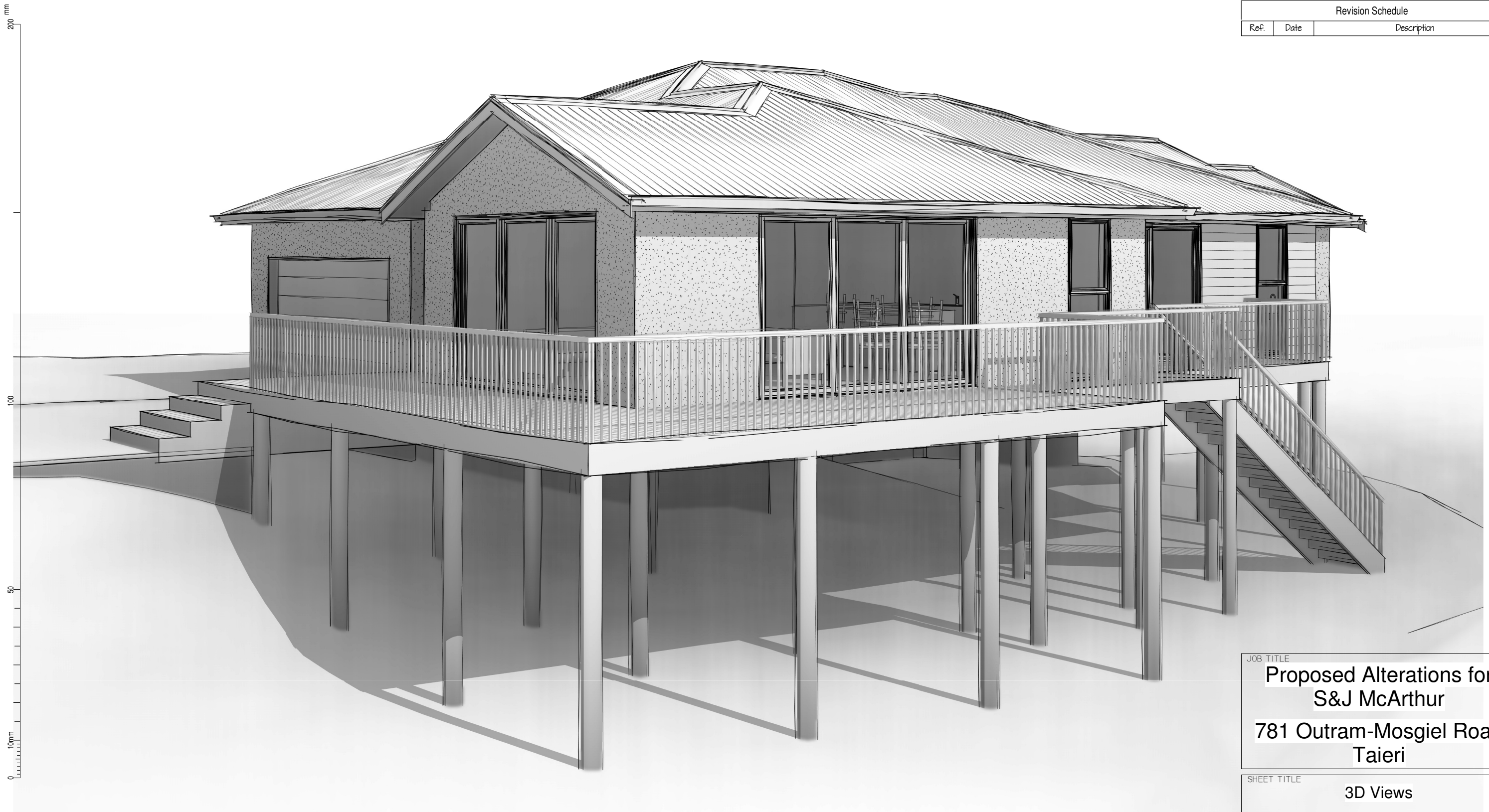
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OCT 2018		1879	A0.1
DRAWN	CAD REFERENCE	REVISION	
TW	1879	A	

Sketch Design

The Contractor shall verify all dimensions on site before commencing construction. Do not scale off drawings. Documents are for obtaining building consent and construction not suitable for fixed price contracts or quotes

Revision Schedule

Ref.	Date	Description
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3D View 3

JOB TITLE
**Proposed Alterations for
S&J McArthur
781 Outram-Mosgiel Road
Taieri**

SHEET TITLE
3D Views

TRADE Architectural	DESIGNED RJW	CHECKED RJW
------------------------	-----------------	----------------

DATE OCT 2018	SCALE	JOB No. 1879	SHEET No. A0.2
DRAWN TW	CAD REFERENCE 1879	REVISION	

Sketch Design

The Contractor shall verify all dimensions on site before commencing construction. Do not scale off drawings. Documents are for obtaining building consent and construction not suitable for fixed price contracts or quotes

Revision Schedule		
Ref.	Date	Description
A	01/10/18	Sketch Design

200 mm

100

50

10mm

0



3D View 4

JOB TITLE	
Proposed Alterations for S&J McArthur 781 Outram-Mosgiel Road Taieri	

SHEET TITLE	
3D Views	

TRADE	DESIGNED	CHECKED
Architectural	RJW	RJW

DATE	SCALE	JOB No.	SHEET No.
OCT 2018		1879	A0.3
DRAWN	CAD REFERENCE	REVISION	
TW	1879	A	

Sketch Design

The Contractor shall verify all dimensions on site before commencing construction. Do not scale off drawings. Documents are for obtaining building consent and construction not suitable for fixed price contracts or quotes

Revision Schedule		
Ref.	Date	Description
A	01/10/18	Sketch Design

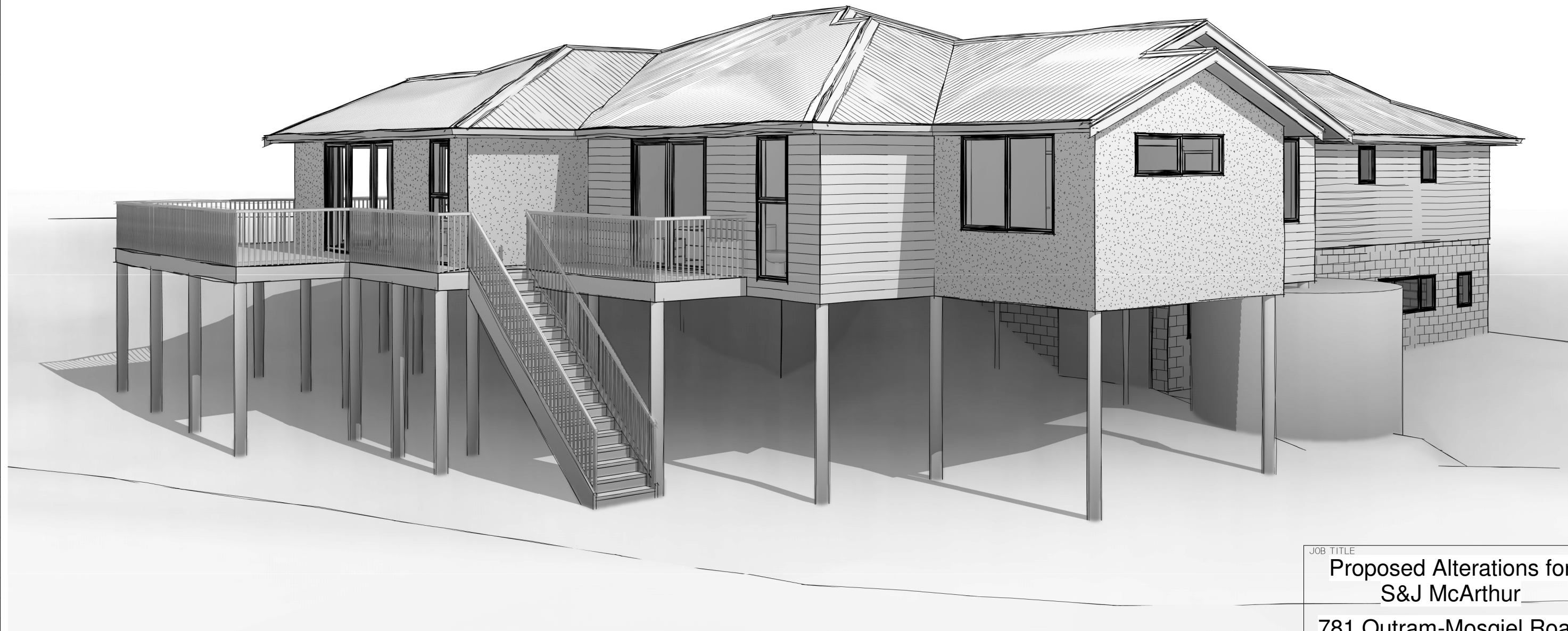
200 mm

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10mm

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3D View 5

JOB TITLE	Proposed Alterations for S&J McArthur
	781 Outram-Mosgiel Road Taieri

SHEET TITLE	3D Views
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TRADE	DESIGNED	CHECKED
Architectural	RJW	RJW

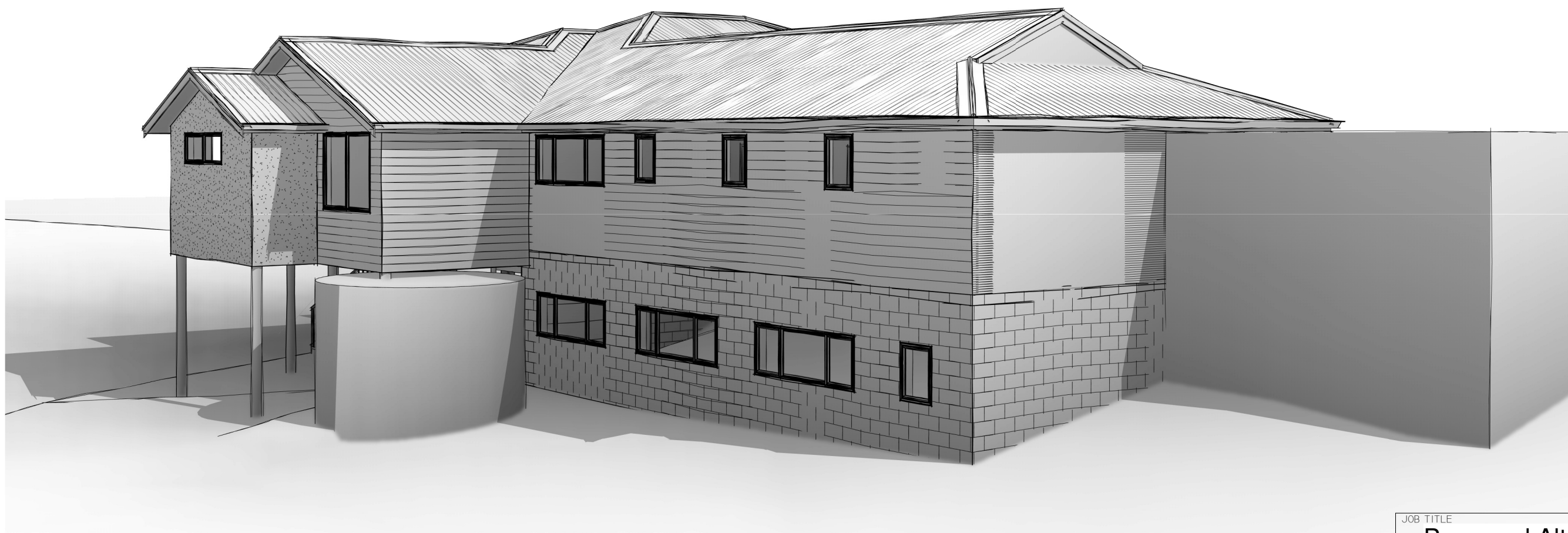
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OCT 2018		1879	A0.4
DRAWN	CAD REFERENCE	REVISION	
TW	1879	A	

Sketch Design

The Contractor shall verify all dimensions on site before commencing construction. Do not scale off drawings. Documents are for obtaining building consent and construction not suitable for fixed price contracts or quotes

Revision Schedule		
Ref.	Date	Description
A	01/01/18	Sketch Design

200 mm
100
50
0
10mm



3D View 6

JOB TITLE
**Proposed Alterations for
S&J McArthur
781 Outram-Mosgiel Road
Taieri**

SHEET TITLE
3D Views

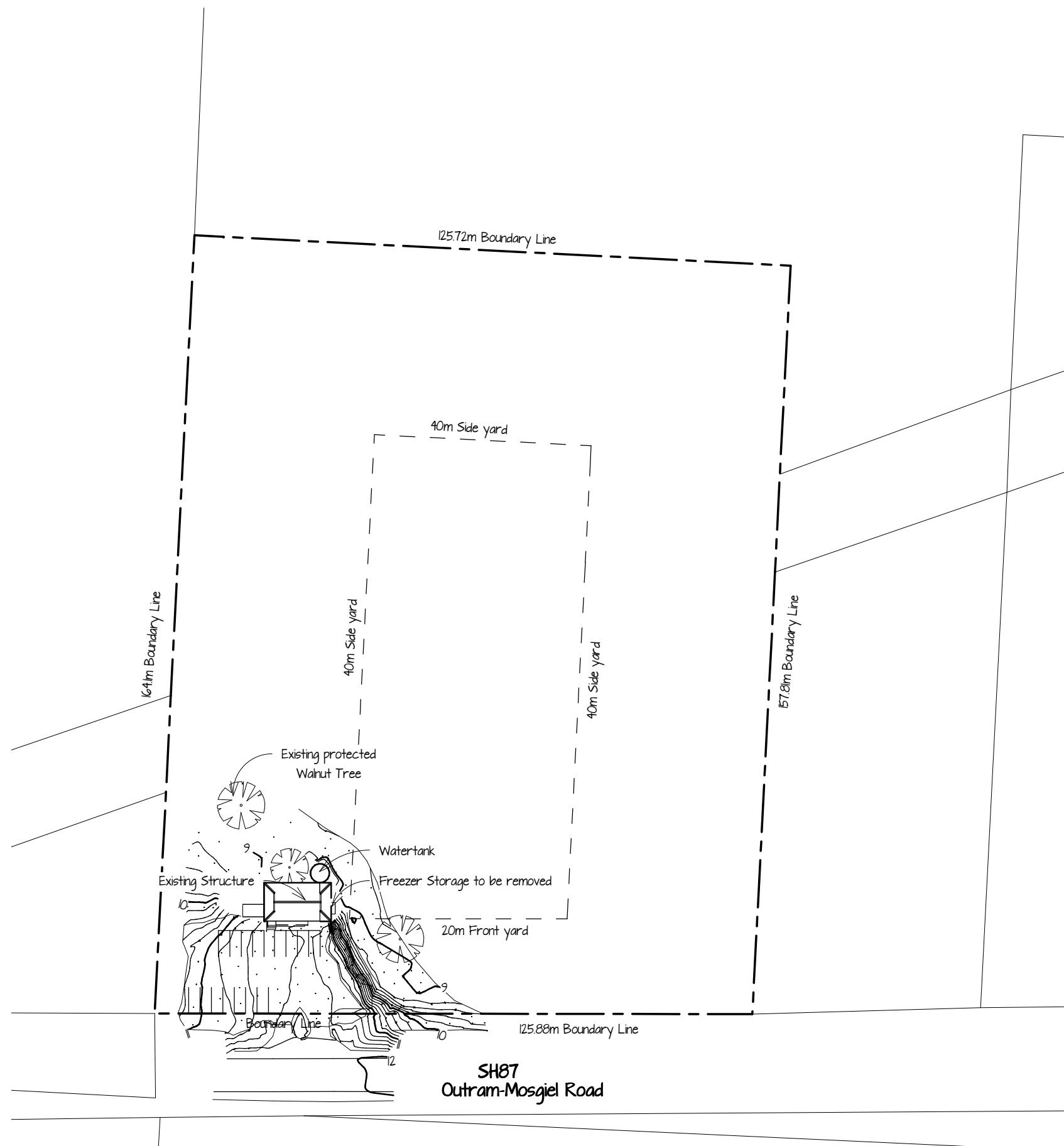
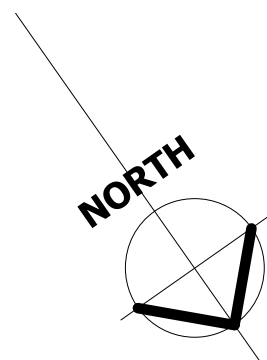
TRADE Architectural	DESIGNED Designer	CHECKED Checker
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DATE 10/01/18	SCALE	JOB No. 1879	SHEET No. A0.5
DRAWN Author	CAD REFERENCE 1879	REVISION A	

Sketch Design

The Contractor shall verify all dimensions on site before commencing construction. Do not scale off drawings. Documents are for obtaining building consent and construction not suitable for fixed price contracts or quotes

200 mm
100
50
0 10mm



Existing Location Plan

1 : 1000

Sketch Design

Revision Schedule

Ref.	Date	Description
A	01/10/18	Sketch Design

Legal Description

781 Outram-Mosgiel Road Riverside
Outram
LOT 1
DP 7443
Valuation number : 2791-02100
Property number : 5059994

Site Coverage

Site Area = 20234m²
Existing site coverage = 85.05m² - 0.004%
Proposed Site Coverage = house and existing shop
288m² + proposed decks 61m² = 349m² - 0.017%

Zoning

Wind = High
Elevation = 11m
Snow = 0.9kpa
Earthquake = Zone 1
Corrosion = Zone B
Zone = Rural
Climate = Zone 3
Rainfall Intensity = 40-50

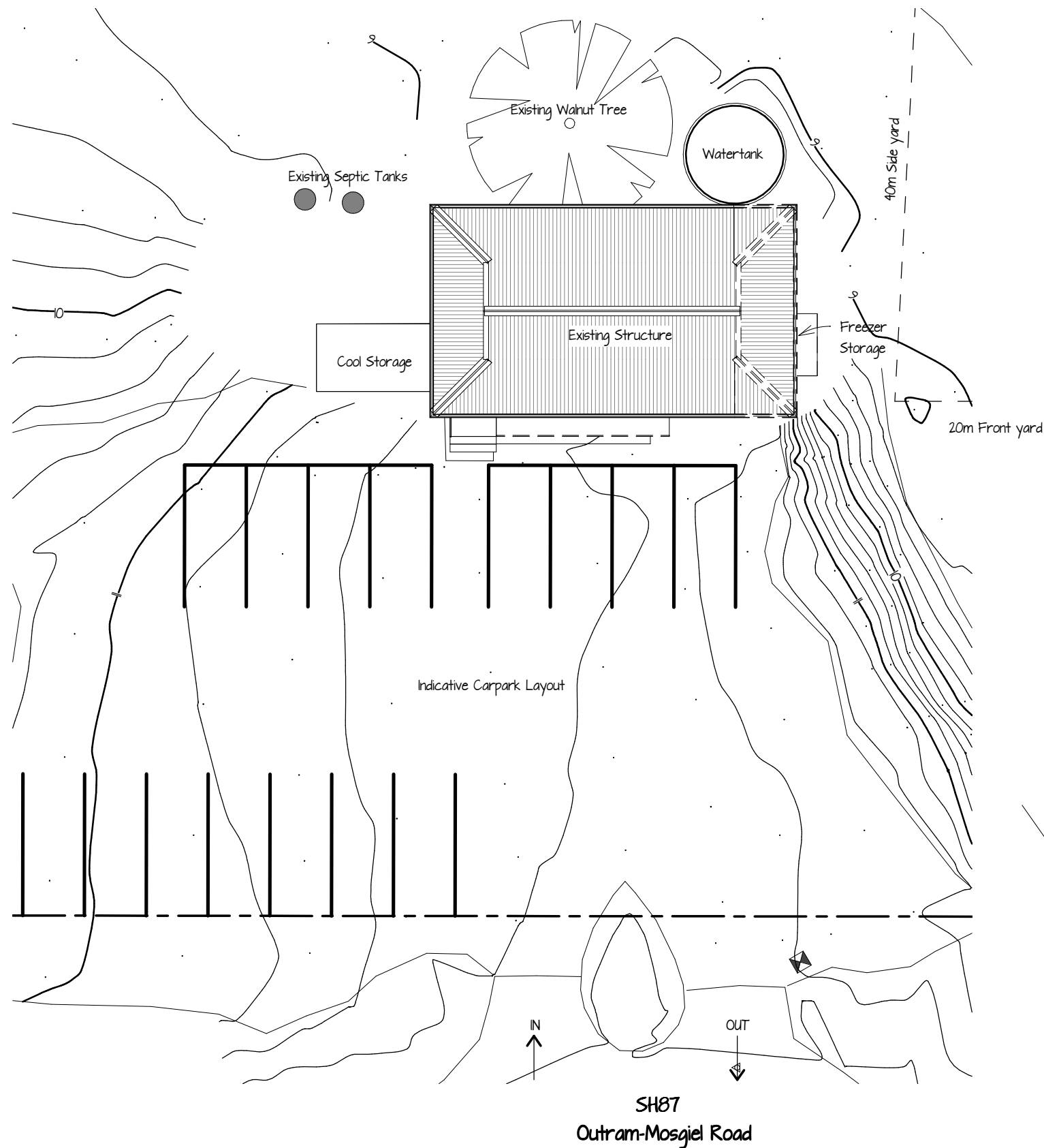
JOB TITLE
**Proposed Alterations for
S&J McArthur
781 Outram-Mosgiel Road
Taieri**

SHEET TITLE
Existing Location Plan

TRADE Architectural	DESIGNED RJW	CHECKED RJW
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DATE OCT 2018	SCALE 1 : 1000	JOB No. 1879	SHEET No. A1.0
DRAWN TW	CAD REFERENCE 1879	REVISION A	

200 mm
100
50
0 10mm



Existing Site Plan

1 : 200

Revision Schedule		
Ref.	Date	Description
A	01/10/18	Sketch Design

Legal Description

781 Outram-Mosgiel Road Riverside
Outram
LOT 1
DP 7443
Valuation number : 2791-02100
Property number : 5059994

Site Coverage

Site Area = 20234m²
Existing site coverage = 85.05m² - 0.004%
Proposed Site Coverage = house and existing shop
288m² + proposed decks 61m² = 349m² - 0.017%

Zoning

Wind = High
Elevation = 1m
Snow = 0.9kpa
Earthquake = Zone 1
Corrosion = Zone B
Zone = Rural
Climate = Zone 3
Rainfall Intensity = 40-50

JOB TITLE	Proposed Alterations for S&J McArthur 781 Outram-Mosgiel Road Taieri	
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SHEET TITLE	Existing Site Plan	
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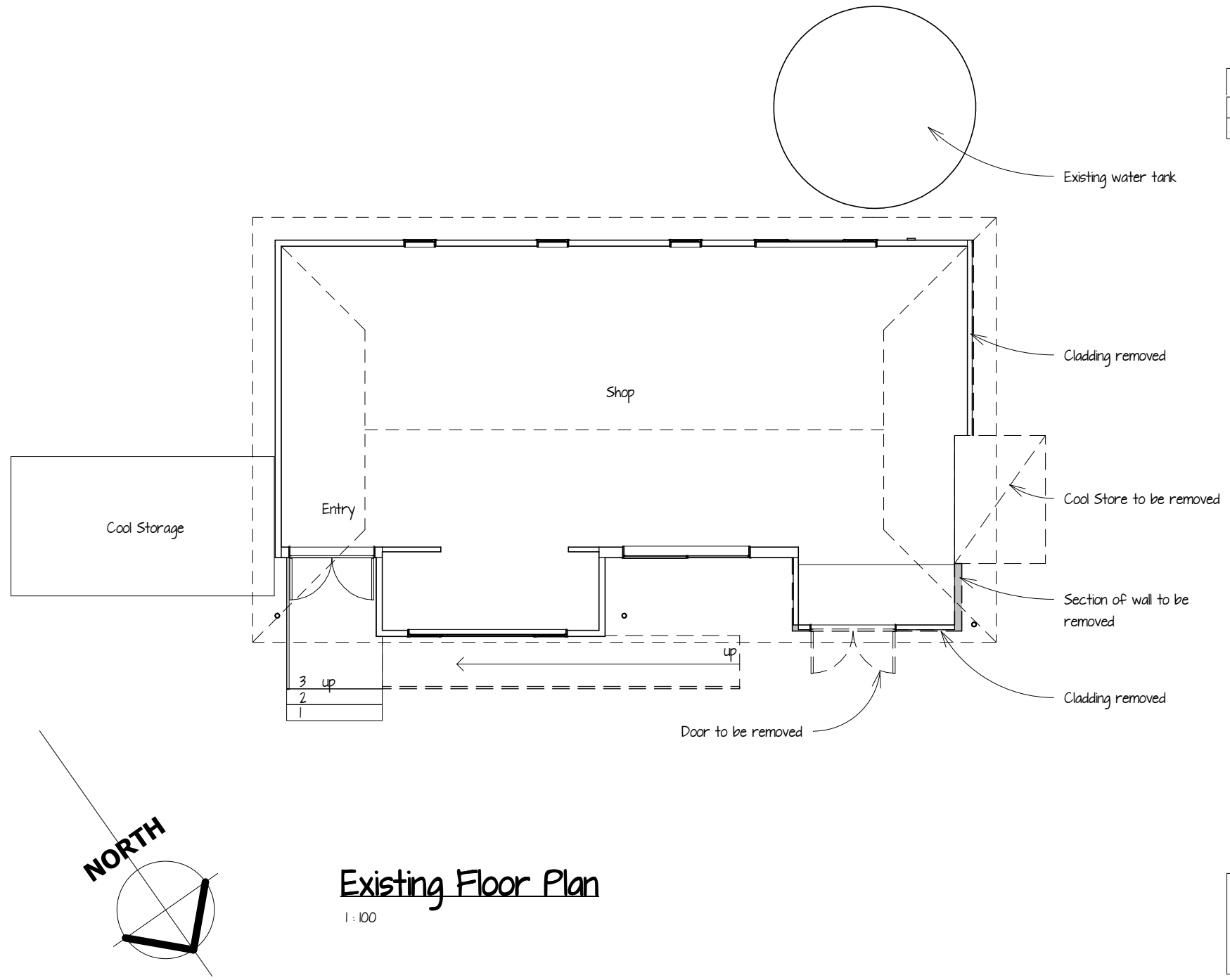
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Architectural	RJW	RJW

DATE	SCALE	JOB No.	SHEET No.
OCT 2018	1 : 200	1879	A1.1
DRAWN	CAD REFERENCE	REVISION	
TW	1879	A	

Sketch Design

The Contractor shall verify all dimensions on site before commencing construction. Do not scale off drawings. Documents are for obtaining building consent and construction not suitable for fixed price contracts or quotes

200 mm
100
50
0



Existing Floor Plan
1 : 100

Revision Schedule		
Ref.	Date	Description
A	01/10/18	Sketch Design

LEGEND:	
	TO BE REMOVED
	EXISTING WALLS

JOB TITLE
**Proposed Alterations for
S&J McArthur
781 Outram-Mosgiesl Road
Taieri**

SHEET TITLE
Existing Floor Plan

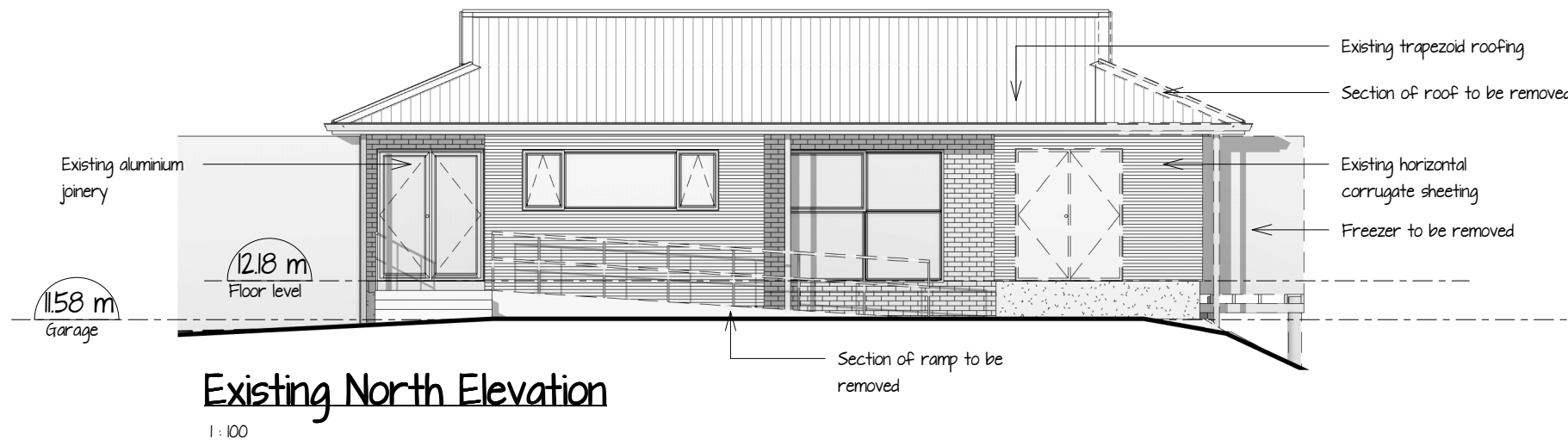
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DRAWN TW	CAD REFERENCE 1879	REVISION A	

Sketch Design

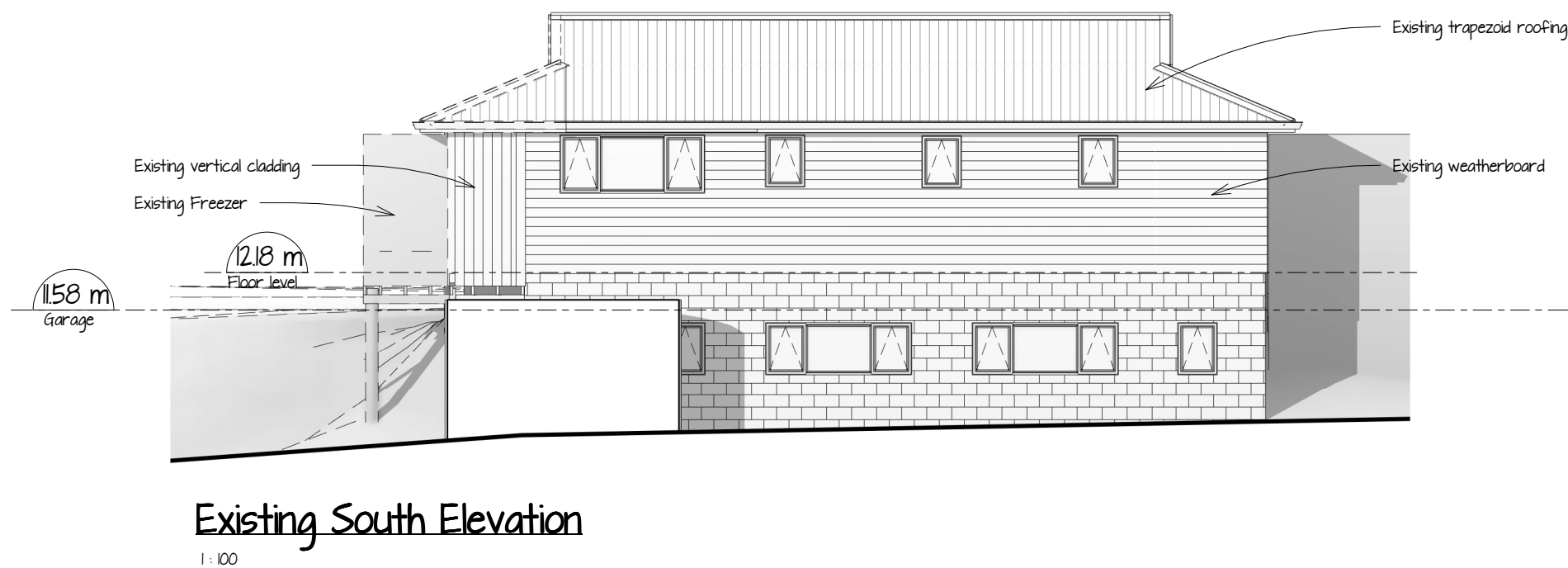
The Contractor shall verify all dimensions on site before commencing construction. Do not scale off drawings. Documents are for obtaining building consent and construction not suitable for fixed price contracts or quotes

Revision Schedule		
Ref.	Date	Description
A	01/10/18	Sketch Design



LEGEND:

	TO BE REMOVED
	EXISTING WALLS



JOB TITLE
**Proposed Alterations for
S&J McArthur
781 Outram-Mosgiel Road
Taieri**

SHEET TITLE
Existing Elevations

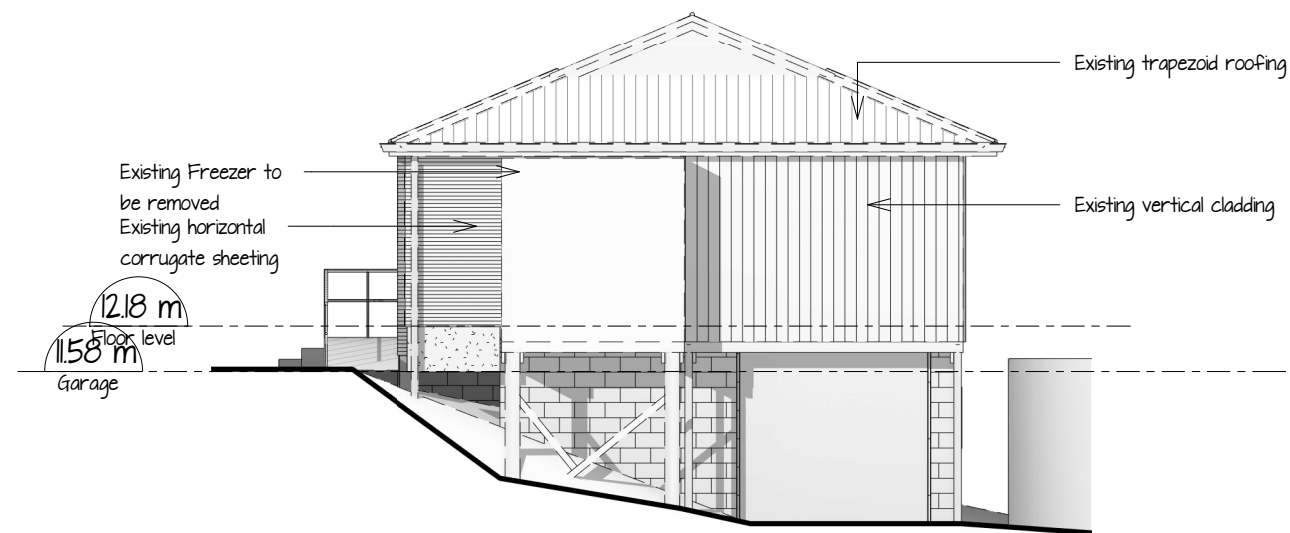
TRADE Architectural	DESIGNED RJW	CHECKED RJW
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DATE OCT 2018	SCALE 1 : 100	JOB No. 1879	SHEET No. A3.0
DRAWN TW	CAD REFERENCE 1879	REVISION A	

Sketch Design

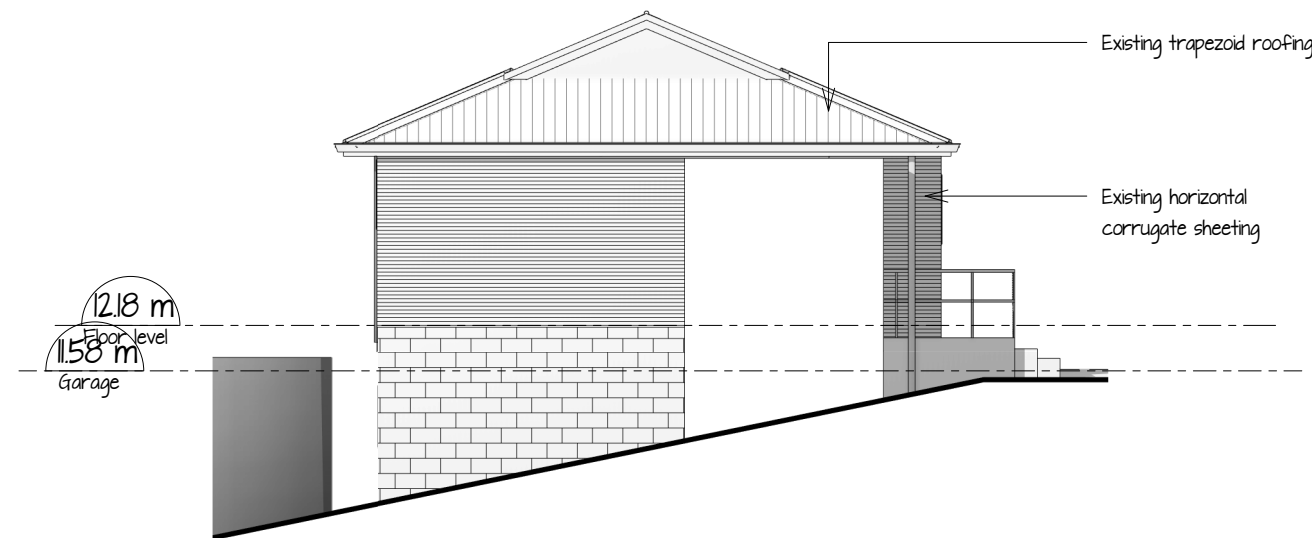
The Contractor shall verify all dimensions on site before commencing construction. Do not scale off drawings. Documents are for obtaining building consent and construction not suitable for fixed price contracts or quotes

Revision Schedule		
Ref.	Date	Description
A	01/10/18	Sketch Design



Existing West Elevation

1 : 100



Existing East Elevation

1 : 100

LEGEND:

	TO BE REMOVED
	EXISTING WALLS

JOB TITLE
**Proposed Alterations for
S&J McArthur
781 Outram-Mosgiel Road
Taieri**

SHEET TITLE
Existing Elevations

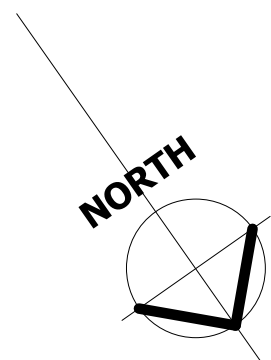
TRADE Architectural	DESIGNED RJW	CHECKED RJW
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DATE OCT 2018	SCALE 1 : 100	JOB No. 1879	SHEET No. A3.1
DRAWN TW	CAD REFERENCE 1879	REVISION A	

Sketch Design

The Contractor shall verify all dimensions on site before commencing construction. Do not scale off drawings. Documents are for obtaining building consent and construction not suitable for fixed price contracts or quotes

200 mm
100
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0 10mm



Proposed Location Plan

1 : 1000

Sketch Design

Revision Schedule

Ref.	Date	Description
A	01/10/18	Sketch Design

Legal Description

781 Outram-Mosgiel Road Riverside
Outram
LOT 1
DP 7443
Valuation number : 2791-02100
Property number : 5059994

Site Coverage

Site Area = 20234m²
Existing site coverage = 85.05m² - 0.004%
Proposed Site Coverage = house and existing shop
288m² + proposed decks 61m² = 349m² - 0.017%

Zoning

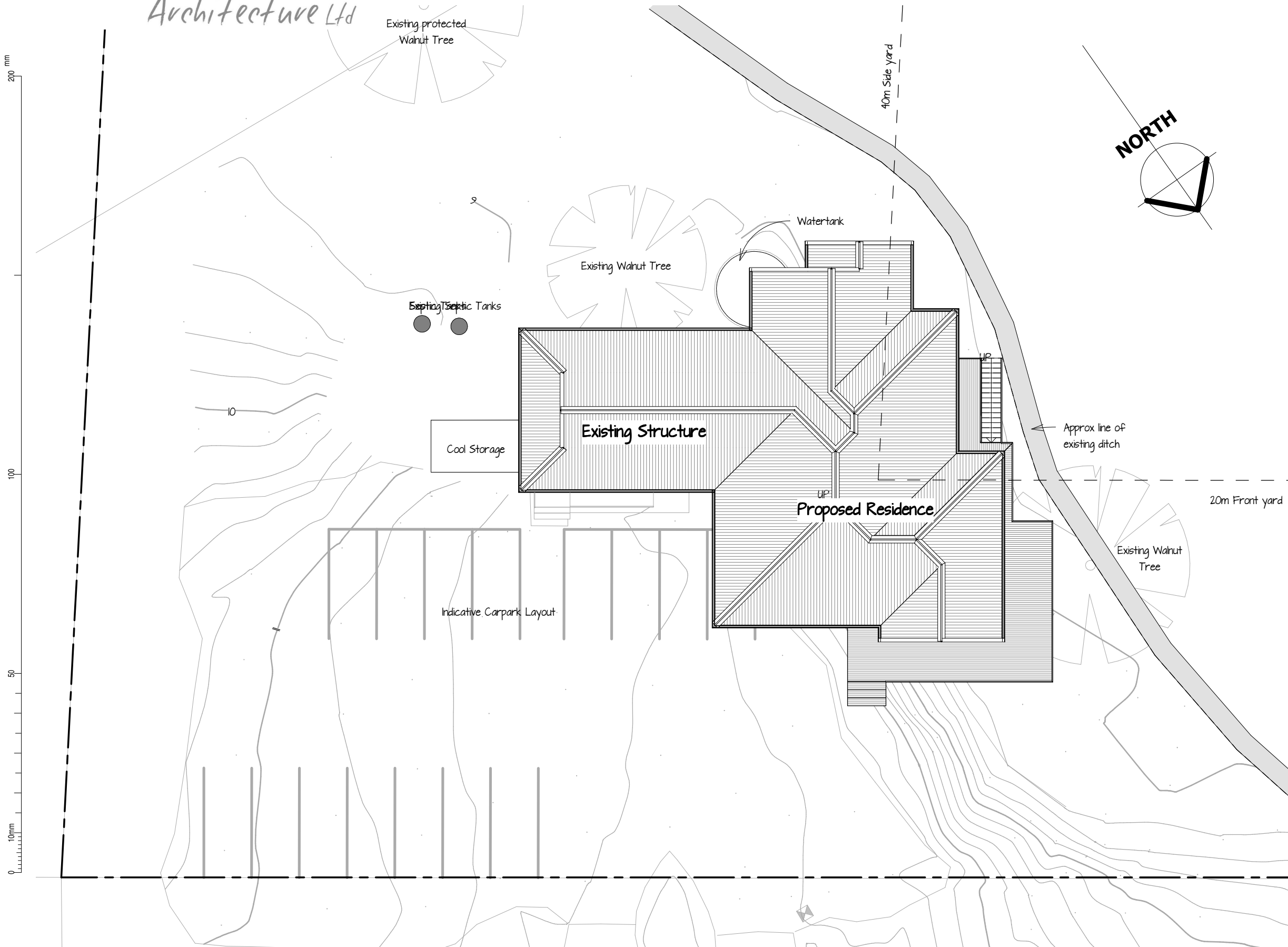
Wind = High
Elevation = 11m
Snow = 0.9kpa
Earthquake = Zone 1
Corrosion = Zone B
Zone = Rural
Climate = Zone 3
Rainfall Intensity = 40-50

JOB TITLE
**Proposed Alterations for
S&J McArthur
781 Outram-Mosgiel Road
Taieri**

SHEET TITLE
Proposed Location Plan

TRADE Architectural	DESIGNED RJW	CHECKED RJW
------------------------	-----------------	----------------

DATE OCT 2018	SCALE 1 : 1000	JOB No. 1879	SHEET No. A4.0
DRAWN TW	CAD REFERENCE 1879	REVISION A	



Revision Schedule		
Ref.	Date	Description
A	01/10/18	Sketch Design

Legal Description
781 Outram-Mosgiel Road Riverside
Outram
LOT 1
DP 7443
Valuation number : 2791-02100
Property number : 5051994

Site Coverage
Site Area = 20234m²
Existing site coverage = 85.05m² - 0.004%
Proposed Site Coverage = house and existing shop
288m² + proposed decks 61m² = 349m² - 0.017%

Zoning
Wind = High
Elevation = 1m
Snow = 0.9kpa
Earthquake = Zone 1
Corrosion = Zone B
Zone = Rural
Climate = Zone 3
Rainfall Intensity = 40-50

JOB TITLE
**Proposed Alterations for
S&J McArthur
781 Outram-Mosgiel Road
Taieri**

SHEET TITLE
Proposed Site Plan

TRADE Architectural	DESIGNED RJW	CHECKED RJW
------------------------	-----------------	----------------

DATE OCT 2018	SCALE 1 : 200	JOB No. 1879	SHEET No. A4.1
DRAWN TW	CAD REFERENCE 1879	REVISION A	

Proposed Site Plan
1 : 200
N SH87 OUT
Outram-Mosgiel Road

Sketch Design

The Contractor shall verify all dimensions on site before commencing construction. Do not scale off drawings. Documents are for obtaining building consent and construction not suitable for fixed price contracts or quotes

Revision Schedule		
Ref.	Date	Description
A	01/10/18	Sketch Design

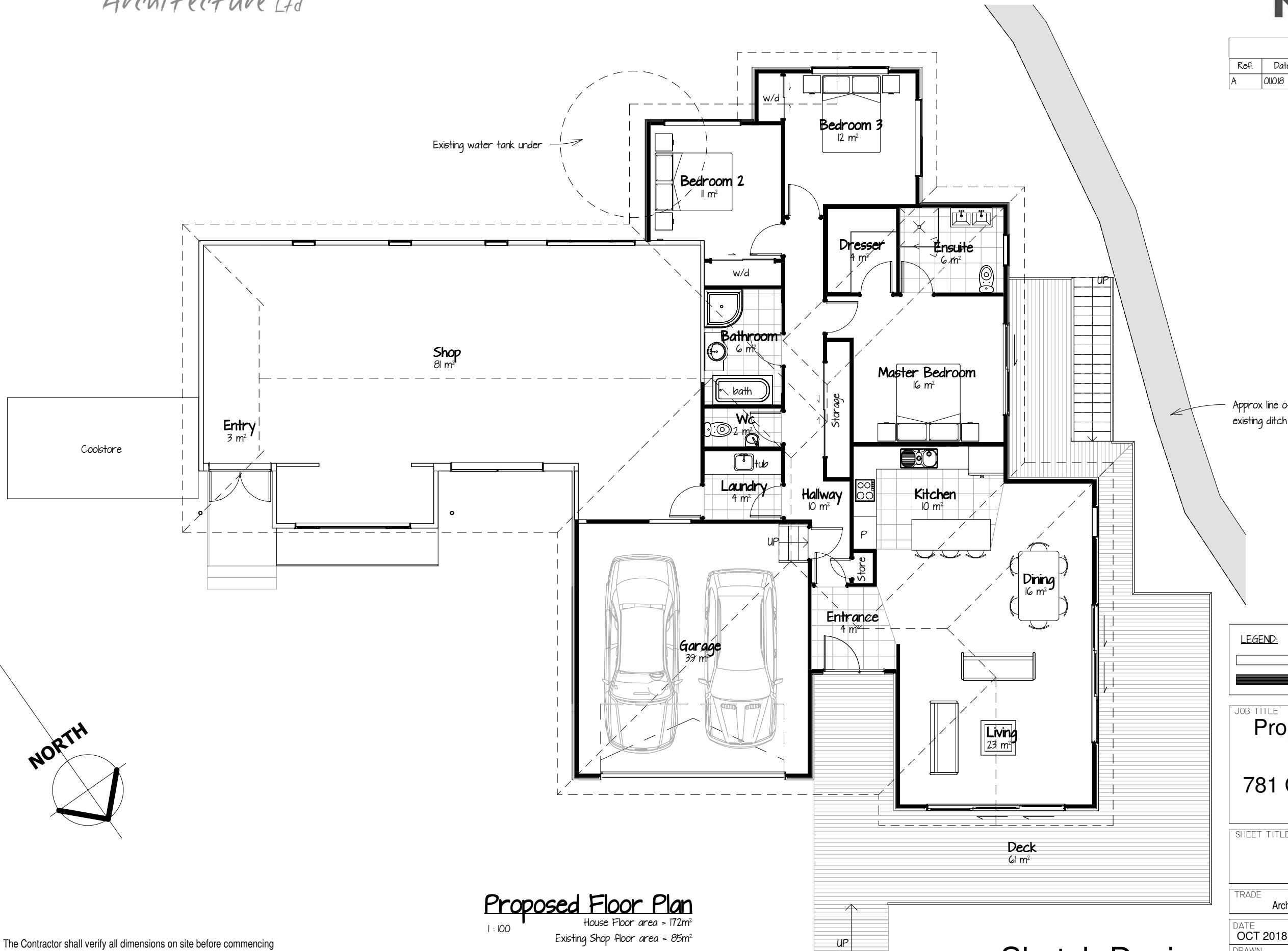
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Existing water tank under

Approx line of existing ditch

LEGEND:

	EXISTING WALLS
	NEW WALLS

JOB TITLE
**Proposed Alterations for
S&J McArthur
781 Outram-Mosgiel Road
Taiari**

SHEET TITLE
Proposed Floor Plan

TRADE Architectural	DESIGNED RJW	CHECKED RJW
DATE OCT 2018	SCALE 1 : 100	JOB NO. 1879
DRAWN TW	CAD REFERENCE 1879	REVISION A
		SHEET No. A5.0

Proposed Floor Plan
1 : 100
House Floor area = 172m²
Existing Shop Floor area = 85m²

Sketch Design

The Contractor shall verify all dimensions on site before commencing construction. Do not scale off drawings. Documents are for obtaining building consent and construction not suitable for fixed price contracts or quotes

5 December 2018

SE & JK McArthur
C/- Allan Cubitt
4 Norfolk Street
Dunedin 9012

Via email: allan@cubittconsulting.co.nz

Dear Sir/Madam

LUC-2018- 669
REQUEST FOR FURTHER INFORMATION

Thank you for your application for land use consent for expansion of a rural retail activity and to erect a dwelling on an undersized rural site. As identified in the Application, the proposal is to be publicly notified. In order to ensure that potential submitters have a complete application to submit on, the Dunedin City Council has determined that further information is required pursuant to section 92 of the Resource Management Act 1991.

Requested information:

The further information required is detailed below. It will help the Council to better understand your proposed activity, its effect on the environment and the ways any adverse effects on the environment might be mitigated.

1. *National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES)*

Please confirm that **either** pesticides are not used on the raspberry crops at the site **or** that the type of pesticide used is not persistent in the accepted sense of the word in relation to agrichemicals.

If pesticides are not used, or if used, they are not persistent, then category A10 of the Hazardous Activities and Industry List (HAIL) would not apply, and therefore neither would the abovementioned NES. If Category A10 of the NES is determined to apply then a resource consent will be required for a change of use to residential unless a PSI prepared in accordance with the NES identifies that it is highly unlikely that there will be a risk to human health if the activity is done to the piece of land. Consent for soil disturbance may also be necessary if the site is confirmed as HAIL.

If the site is HAIL either provide a PSI that identifies the activity is a Permitted Activity under the NES or an effects assessment prepared by a suitably qualified person that addresses how the site can be safely used for a residential activity. In addition either confirm that the soil disturbance is within permitted thresholds or provide an assessment of effects prepared by a suitably qualified person that addresses how potentially contaminated soils will be safely managed and disposed of. Please note that the suitably qualified person may determine that soil testing or a Detailed Site Investigation (DSI) is required to determine acceptability and necessary remediation. I have attached a copy of the memorandum from the Council's Consultant Environmental Specialist on NES matters for your information.

2. Please provide details of proposed measures to protect residents of the dwelling from the effects of vehicle noise of the State Highway.

3. The Application identifies that the NZ Transport Agency and Otago Regional Council are to be consulted in relation to the proposal. Please forward any responses received from these agencies, or provide details of the outcome of any discussions.
4. Please confirm whether the residential activity will use the same access as the Rural Retail Activity, and if so, how any conflict between customers and residential will be managed.
5. The car park layout is marked as 'Indicative Carpark Layout' on the site plan. Please confirm whether any changes are proposed to this layout, or alternatively whether it is to be treated as the final layout.

Responding to this request:

Within 15 working days from the date of this letter you must either:

- provide the requested information; or
- provide written confirmation that you cannot provide the requested information within the timeframe, but do intend to provide it; or
- provide written confirmation that you do not agree to provide the requested information.

The processing of your application has been put on hold from **5 December** pending the requirement for the notification deposit and the information sought in this letter.

If you cannot provide the requested information within this timeframe, but do intend to provide it, then please provide:

- written confirmation that you can provide it; and
- the likely date that you will be able to provide it by; and
- any constraints that you may have on not being able to provide it within the set timeframe.

The Council will then set a revised timeframe for the information to be provided.

If you do not agree to provide the requested information, then please provide written confirmation of this to the Council.

Restarting the processing of your application:

The processing of your application will restart:

- when all of the above requested information is received (if received within 15 working days from the date of this letter being **24 January 2019**); or
- from the revised date for the requested information to be provided, if you have provided written confirmation that you are unable to meet the above timeframe and the Council has set a revised timeframe for the information to be provided; or
- from the date that you have provided written confirmation that you do not agree to providing the requested information; or
- 15 working days from the date of this letter (if you have not provided the requested information or written confirmation being **24 January 2019**).

Once the processing of the application restarts:

If you have provided all the requested information, then the application will be publicly notified pursuant to sections 95A, 95B, 95D, 95E and 95F of the Resource Management Act 1991.

If you have not provided the requested information, then your application will continue to be processed and determined on the basis of the information that you have provided with the application.

Please note that requests for further information, interim correspondence and assessment of the further information can introduce additional work and therefore costs. Deposits are based on the average cost of processing similar consents in the previous year. There is normally a sizable range between the lowest and highest cost for similar consents. These additional costs incurred as a result of the further information request will be passed onto you and, as such,

the final cost of processing this application may be higher than previous 12-month average for similar applications.

Please do not hesitate to contact the writer on 474 3688 if you have any questions or concerns regarding the above request or the further processing of the application.

Yours faithfully

Andrew Henderson
Consultant Planner

Appendix 1 – NES-CS Advice

Dunedin City Council

Memo on Potential Contamination and NES Issues for a Property at 781 Outram-Mosgjel Road, Taieri

Background

Dunedin City Council has asked Stantec New Zealand to provide comment on an application (LUC-2018-669) for land use consent for a change of use at a property located at 781 Outram-Mosgjel Road, Taieri, on part of which a residential dwelling is to be constructed. Specifically, DCC has requested Stantec to comment on the possible need for further consideration in the application on the potential for soils contamination on the property.

The property is a probable HAIL site (HAIL = the Hazardous Activities and Industries List established by the Ministry for the Environment) because of historical (and existing) fruit growing activities, specifically the growing of raspberries. This attracts the A10 category under the HAIL; i.e. "**Persistent** pesticide bulk storage or use including orchards...". No preliminary site investigation (PSI) or detailed site investigation (DSI) exists for the site.

Discussion

While this particular area of land (approximately 2 hectares in area) has been and currently is used for the growing of raspberries, no information is provided in the application about the need or otherwise for the use of pesticides to control pests on the raspberry canes. It may in fact be that raspberries are a crop that does not require the application of **persistent** pesticides of any sort although no information of this nature is provided in the application. Related to this, the storage of any agrichemicals used in the site activities is not specified; however, this may be because there is in fact little or no chemicals use.

There will be disturbance of soil on this (possible) HAIL site because of the need to install a significant number of piles (poles) on which to establish the new residential dwelling. Based on a review of the plans for the house, as provided in the application, at least 22 individual poles will be required to provide a suitable foundation for the building structure. It is not possible to determine what volume of soil requiring disposal would be created in the installation of the foundation poles because the necessary depth is unclear, as is the exact number of poles required. Also, from the supplied plans, some poles may require to be more substantial (i.e. thicker) than others, thus requiring more extensive excavations.

With respect to the permitted activity criteria of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations (the NES) in regard to disturbance of soil (25m³ per 500m² of land area) and off-site disposal of soil (5m³ per 500m² of area) it is not possible based on the information provided to determine if either or both of soil disturbance or off-site disposal are likely to be within the permitted activity criteria. However, if HAIL status does not apply to the site, then neither does the NES.

Consent Status under the NES

If the applicant can confirm that, either, pesticides are not used on the raspberries or the type of pesticide used is NOT persistent in the accepted sense of this word in relation to agrichemicals, then category A10 of the HAIL would not apply and neither would the NES. Based on the reply received regarding this issue, the matter of next steps required, if any, in terms of possible consent under the NES can be determined.



Paul Heveldt
Senior Environmental Specialist
Stantec New Zealand

John Sule

From: Warren Hanley <warren.hanley@orc.govt.nz>
Sent: Wednesday, 6 March 2019 04:54 p.m.
To: allan@cubittconsulting.co.nz
Cc: 'Andrew Henderson'; John Sule; 'Paul Haddon'; 'Kaye McArthur'; Anita Dawe; Jean-Luc Payan
Subject: 781 Outram-Mosgiel Road - Further ORC response.
Attachments: RE: 781 Outram-Mosgiel Road- Request for ORC written approval

Hi Allan,

I don't believe applying for the any necessary DCC consents first is an issue for ORC, but I could understand DCC may want some read on ORC's position in making its decisions. While we obviously can't predetermine any decision before we receive those applications, can I say that "without prejudice" based on the information we've received to date there don't appear to be any significant 'red flags' of concern.

Below is some further comment from Jean-Luc in response to your email from 1 March:

"The further information provided by Terramark partly address point 4 of my initial assessment. Terramark comments confirm that proposed house footprint is within/adjacent to the ORC Taieri River Floodway and the DCC 2GP Hazard 1 flood overlay and that the low-lying section of the property flooded in July 2017. I don't need more information at this stage. The potential effects of the proposal on the flood protection scheme (point 8 of my initial assessment) will need to be addressed, possibly part of the bylaw application.

I would like to clarify that the July 2017 peaked at 1700cumecs at Outram and not at 2000cumecs as initially recorded (the rating for high flows at Outram has been revised, refer to <https://www.orc.govt.nz/managing-our-environment/water/water-monitoring-and-alerts/water-notifications/taieri-at-outram-new-high-flow-rating-for-more-information>)."

Note some direction on the assessment matters any application to ORC would need to cover. The 'point 8' Jean-Luc refers to reads:

"Potential effects of the proposal on the flood protection scheme: the proposed building extension, although in the Taieri River floodway, is located on the margin of the floodway and given the proposed design (stilts) it is not likely that the proposed work will adversely affect the integrity of the scheme in this area. It is suggested to ask the applicant to assess and confirm this and to take this (flood hazard characteristics) into consideration in the design of the proposed work."

For completeness and context, I've attached the original email with Jean-Luc's full initial assessment.

If you have any further questions, feel welcome to contact me.

Regards

Warren.



Warren Hanley
Senior Resource Planner
Liaison

Otago Regional Council
70 Stafford St, Private Bag 1954,
Dunedin 9054

From: allan@cubittconsulting.co.nz <allan@cubittconsulting.co.nz>
Sent: Friday, 1 March 2019 1:25 p.m.
To: Warren Hanley <warren.hanley@orc.govt.nz>
Cc: 'Andrew Henderson' <Andrew.Henderson@beca.com>; 'John Sule' <John.Sule@dcc.govt.nz>; 'Paul Haddon' <paul@terramark.co.nz>; 'Kaye McArthur' <berriesrus@xtra.co.nz>
Subject: FW: [#TM-M1401] 781 Outram-Mosgiel Road - ORC response.

Hi Warren,

Please see below.

In your point 2, you refer to the need for bylaw and designation approval and that they will be processed together. My view is that the applicant should go through the land use consent process with the DCC before we apply for those approvals as if it is not successful, there is no point in applying for these. What is your position on that?

Thanks
Allan

From: Paul Haddon <paul@terramark.co.nz>
Sent: Friday, March 1, 2019 12:24 PM
To: Allan Cubitt <allan@cubittconsulting.co.nz>
Cc: Kaye McArthur <berriesrus@xtra.co.nz>
Subject: RE: [#TM-M1401] 781 Outram-Mosgiel Road - ORC response.

Hi Allan

Herewith my comments as requested, in response to Warren Hanley's Point 1 (7 February 2019 email).

Yes, it is acknowledged that the proposed house footprint is within/adjacent to the ORC Taieri River Floodway designation and the DCC 2GP Hazard 1 flood overlay.

However, in considering any implications of this, one must be aware of the house design level relative to recorded flood levels.

The July 2017 flood event is on record as one of the largest Taieri floods in terms of volume of floodwater. The river flow peaked at about 2000 cumecs.

Immediately following that flood event, Terramark was contracted by the ORC to survey the debris line. Our survey records disclose that the debris reduced level in the vicinity of the Applicant's shop/house site, was 10.5m (Dunedin Vertical Datum).

The shop has a floor level of 12.3m, some 1.8m above that flood level. The proposed house will also have a floor level of 12.3m, designed to ensure that flood water will not enter the building.

Regards

Paul Haddon
Surveying Consultant

paul@terramark.co.nz
P: (03) 489 7107
F: (03) 489 0034
M: 021 246 6690
E: mosgiel@terramark.co.nz

NZ Post Building
107 Gordon Road, Mosgiel 9024
PO Box 235, Mosgiel 9053
www.terramark.co.nz



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From: Allan Cubitt <allan@cubittconsulting.co.nz>
Sent: Thursday, February 7, 2019 5:38 PM
To: Paul Haddon <paul@terramark.co.nz>
Cc: Kaye McArthur <berriesrus@xtra.co.nz>
Subject: Fwd: 781 Outram-Mosgiel Road - ORC response.

Hi Paul,
As you did the work for ORC on the levels can you please provide appropriate response. The raised area where the house will go clearly isn't in the flood zone.
Cheers,
Allan

Sent from my iPhone

Begin forwarded message:

From: Warren Hanley <warren.hanley@orc.govt.nz>
Date: 7 February 2019 at 3:50:48 PM NZDT
To: "'allan@cubittconsulting.co.nz'" <allan@cubittconsulting.co.nz>
Cc: Jean-Luc Payan <Jean-Luc.Payan@orc.govt.nz>, Anita Dawe <Anita.Dawe@orc.govt.nz>
Subject: 781 Outram-Mosgiel Road - ORC response.

Hi Allan,

Thank you for your patience while we worked to make an initial assessment of this information and get a response back to you. I've discussed this with Jean-Luc from ORC's natural hazards team and we make the following comments:

1. It seems that large parts of the proposed building site will be within (on the margins) of the ORC designation area (Taieri River Floodway) and of the 2GP Hazard 1 (flood) overlay (see attached figures and DCC 2GP maps available at <https://dunedin.maps.arcgis.com/apps/webappviewer/index.html?id=f7fc69e07dba4db589ffe2ddcac4acc7>). Can you please clarify this as this appears to differ to the information supporting the application to DCC. Please see the attached pictures we've used to come to our position.
2. While they are separated by some distance at the proposed site, the property is located between the Lower Taieri Flood Protection Scheme floodbanks (Taieri River Floodway) and from our assessment of where the proposed development lies, bylaw approval will also be required for from ORC. Given approval under the designation will also need to be sought, the applications would be processed together. This process will provide for ORC considering your written approval request.
3. The drain situated on the property is not an ORC scheduled drain.

If you can let me know your response to point 1 then we can confirm any further position ORC.

Regards,

Warren.



Warren Hanley
Senior Resource Planner
Liaison

Otago Regional Council
70 Stafford St, Private Bag 1954,
Dunedin 9054
Phone (03) 470 7443 or 0800 474 082
www.orc.govt.nz

From: allan@cubittconsulting.co.nz <allan@cubittconsulting.co.nz>
Sent: Tuesday, 20 November 2018 11:07 a.m.
To: Warren Hanley <warren.hanley@orc.govt.nz>
Subject: FW: 781 Outram-Mosgiel Road

Hi Warren,

Please see the attached land use consent for 781 Outram-Mosgiel Rd. You will see that part of the site is affected by the Lower Taieri Flood Protection Scheme as shown in the proposed 2GP. However the house site does not appear to be affected by this and it will be designed so it is not affected by flood waters. We are hoping to gain your written approval for the proposal accordingly.

Please contact me if you have any further questions.

Kind regards, Allan Cubitt

From: allan@cubittconsulting.co.nz <allan@cubittconsulting.co.nz>
Sent: Sunday, November 4, 2018 3:10 PM
To: 'Planning Admin Team' <planning@dcc.govt.nz>
Subject: 781 Outram-Mosgiel Road

Please find attached an application for 781 Outram-Mosgiel Road. Please email the appropriate invoice.

Thank you.

Kind Regards

Allan Cubitt

Cubitt Consulting Limited
4 Norfolk Street
St Clair

Dunedin
New Zealand 9012

027 2083181

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John Sule

From: Andrew Henderson <Andrew.Henderson@beca.com>
Sent: Wednesday, 20 March 2019 01:38 p.m.
To: John Sule
Subject: RE: HAIL 781 Outram Mosgiel Road

Hi John – I am happy in progressing with this in relation to the HAIL issues. If consent gets granted then there could be a condition on the consent about the appropriate process etc if contaminated soils are found.

I am also happy for the Land use consent to be progressed before the ORC issues – as Allan has said, there is no need for the ORC approval if the land use is declined.

We are still waiting on NZTA. Once that arrives I think that I'll have enough to proceed to notification.

Andrew Henderson

Senior Associate – Planning
Beca

Phone: +64-3-366 3521 Fax: +64-3-366 3188

DDI: : +64-3-367 2476 Mob: 027 212 4432

Andrew.henderson@beca.com

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From: allan@cubittconsulting.co.nz <allan@cubittconsulting.co.nz>
Sent: Wednesday, 20 March 2019 12:14 p.m.
To: Andrew Henderson <Andrew.Henderson@beca.com>
Cc: 'John Sule' <John.Sule@dcc.govt.nz>
Subject: HAIL 781 Outram Mosgiel Road

Hi Andrew,

It seems that this had not been sent through to you?

Given the site is essentially a market garden, the HAIL search obviously identifies the site as a potential HAIL site due to the presence of pesticide storage and use.

While we do not believe the existing retail site or the proposed dwelling site has been affected by this use, there is always the potential. However, we are unsure of the scale of earthworks that may be involved in establishing the dwelling but to be prudent I suggest that we perhaps address this issue further as part of the hearings process. However, I will be guided by you gents on that. I think we should get the thing moving through the process in the first instance.

Regards

Allan

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Andrew Henderson

Senior Associate – Planning
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Sent: Wednesday, 20 March 2019 12:14 p.m.
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Cc: 'John Sule' <John.Sule@dcc.govt.nz>
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Regards

Allan

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John Sule

From: Andrew Henderson <Andrew.Henderson@beca.com>
Sent: Monday, 25 March 2019 08:52 a.m.
To: allan@cubittconsulting.co.nz
Cc: 'Luke Braithwaite'; Gabi McFarlane
Subject: RE: 781 Outram Mosgiel Road, SJ JK McArthur

Thanks Allan – received and noted.

Gabi – can you please include this in the file as a formal amendment to the consent for 781 Outram Mosgiel Road, please.

Thanks

Andrew

Andrew Henderson

Senior Associate – Planning
Beca
Phone: +64-3-366 3521 Fax: +64-3-366 3188
DDI: +64-3-367 2476 Mob: 027 212 4432
Andrew.henderson@beca.com
www.beca.com
www.Linkedin.com/company/Beca



From: allan@cubittconsulting.co.nz <allan@cubittconsulting.co.nz>
Sent: Sunday, 24 March 2019 8:32 p.m.
To: Andrew Henderson <Andrew.Henderson@beca.com>
Cc: 'Luke Braithwaite' <Luke.Braithwaite@nzta.govt.nz>
Subject: 781 Outram Mosgiel Road, SJ JK McArthur

Dear Andrew,

Please find attached a letter From NZTA in respect to the above resource consent application. The NZTA advise that they are likely to provide written approval to the proposal provided two conditions are included in the application. These conditions are:

1. *That the dwelling must be designed, constructed and maintained to achieve an indoor design noise level of 40dB $L_{Aeq(24hr)}$ inside all habitable spaces.*
2. *Prior to either receiving produce not grown on the site; or prior to the construction of the proposed dwelling, the following improvements to State Highway 87 and the site access at Crossing Place 31 shall be completed:*
 1. *The consent holder shall upgrade and maintain Crossing Place 31, in accordance with the NZ Transport Agency's Planning Policy Manual Full Diagram E standard, with a minimum radius of 15m, and culverts and drainage as required.*

I wish to formally advise that the applicant has amended the application to include the two conditions above.

Kind Regards,

Allan Cubitt

Cubitt Consulting Limited
PO Box 9054
Dunedin
New Zealand 9047

027 2083181

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